

**ARIZONA STATE PARKS BOARD  
415 GURLEY, PRESCOTT  
MAY 20, 2004  
CORRECTED MINUTES**

**Board Members Present:**

John Hays, Chairman  
Elizabeth Stewart  
William Porter  
William Cordasco  
Janice Chilton

**Board Members Absent:**

Gabriel Gonzales-Beechum  
Mark Winkleman

**Staff Present:**

Kenneth E. Travous, Executive Director  
Jay Ream, Assistant Director, Parks  
Jay Ziemann, Assistant Director, Partnerships and External Affairs  
Mark Siegwarth, Assistant Director, Administration  
Cristie Statler, Consultant, Fundraising and Friends  
Debi Busser, Executive Secretary  
Jean Emery, Chief, Resources Management  
Janet Hawks, Chief of Parks  
Ray Warriner  
Amy Hartle, Administrative Assistant  
Keith Ayotte, Central Region Manager  
Sue Hilderbrand, Acting Chief of Grants  
Jeanette Hall, Human Resources  
Annie McVay  
Elizabeth Krug, Chief of Research and Marketing  
Ellen Bilbrey, PIO

**Attorney General's Office:**

Joy Hernbrode, Assistant Attorney General  
Jim Morrow, Assistant Attorney General  
Patty Boland, Assistant Attorney General

**A. CALL TO ORDER – ROLL CALL**

Chairman Hays called the meeting to order at 9:05 a.m.

**B. INTRODUCTIONS**

Chairman Hays noted that with the exception of staff and Board, Mr. Getman of Rio Rico Properties and Mr. Richard Sims, Director of Sharlot Hall, were present at this meeting.

**C. PUBLIC COMMENT**

Mr. Sims, Director of Sharlot Hall Museum, welcomed the Board to Sharlot Hall Museum. He stated he was delighted to see the Board in Prescott and suggested that

the Board should think about coming to Prescott more often. He noted that the last time he stood before the Board was when they met at Buckskin Mountain State Park in Parker, AZ. He noted that the museum is in its 76<sup>th</sup> year and is growing, as Prescott is growing. He distributed a copy of their "Coexisting With Urban Wildlife" book. They will be putting together a conference in a few months that might be of interest to the Board on "Creature Discomforts". Man is the one species that seems to dominate other habitats, especially as Yavapai County continues to grow and change.

Mr. Sims noted that he is on the Advisory Council for McFarland State Park and the Arizona State Parks Foundation. He added that this evening the Four Corners Land Trust Conference that is meeting in Prescott will have a social hour on the museum's grounds and the Board is invited to come to that social time at 7:00 p.m.

#### **D. CONSENT AGENDA**

##### **1. Approve Minutes of January 15, 2004 State Parks Board Meeting**

Mr. Porter made a motion to approve the Consent Agenda. Mr. Cordasco seconded the motion. The motion carried unanimously.

#### **E. MATTERS OF BOARD PROCEDURE**

Chairman Hays stated that this Agenda Item refers to the letter he sent to the Board.

Mr. Travous stated that he has received no input back from that letter. He noted that as a result of the letter staff have moved the Action Items to the front of the Agenda.

Ms. Stewart noted that she sent an E-mail to the Director on Tuesday afternoon. She stated that she does have some comments. She believes it would be very helpful to get written comments, but she also thinks it's important that it not just be words but also data and analysis behind the recommendation so that the Board can feel they are making informed decisions. Again today the Board received something new as they arrived. That seems to be an ongoing problem where the Board are not really sure what they will be asked to vote on until they arrive at the meeting. It causes a lot of discomfort as to whether the Board is making an informed decision. She questioned how much analysis has really gone on. She believes that for this to work the Board not only needs to receive something in writing, but it has to be for everything and ahead of time. It has to be something that really gives the Board a basis for the recommendation with some detail to it. Otherwise a statement that this is what staff are recommending without much discussion of how that recommendation was arrived at and the effect it will have on other areas does not put the Board in a better situation than when they show up and receive information cold.

Chairman Hays noted that this is a trial to see whether or not it will work. It may take a few meetings to determine if it will work.

Ms. Stewart noted that she has a few more concerns to raise. If it's going to work, the Board needs the information sooner. She received her packet on Wednesday evening last week. That is seven calendar days before the meeting. There is a tremendous amount of material to plow through. The Minutes themselves take a lot of time. She was not able to get through the entire packet. She sent an E-mail on the items she just

glanced at and requested the kind of information she would like to have. She feels that the Board will need to have the packet sooner if they are to complete their review of the information and get back to staff with questions. She is usually busy the night before the meeting finishing up reviewing these materials. Now she needs to do it several days before that. There's only seven days for review. Evidently her E-mail to the Director was not soon enough because he did not receive it. She suggested that, in order for this to work, the Board should get the Draft Minutes when the staff receives them. The Board would then be able to divide their work into "twos". If the Board received the Draft Minutes and the Draft Agenda at the same time staff receive them, she could let staff know what information she wants included relating to those items. There are some items on the Agenda that, even not knowing what the staff's recommendations are, she could tell staff the kind of information she would like included. Until she knows what the topic is on some items she will not be able to comment. Having the Draft Minutes ahead of time (when Executive Staff receive them) would enable the Board to send in their changes to the Secretary and those changes can be voted on at the meeting. There would not be any need for the Secretary to do any extra work. There would be an extra mailing involved. It would break things up into two parcels for the Board, but she believes it would be more manageable.

Mr. Travous responded that the Draft Minutes can be sent out as soon as they are finished.

Ms. Stewart noted that the next meeting is a two-day meeting. It is the Strategic Planning meeting. Because the Board only meets every other month, she would like to receive things more than one week prior to the meeting. She will be out of town some of that time. If the packet comes on the same kind of schedule it has been coming on there will not be any feedback from her because she will only have two days to look at it. She believes the Board absolutely needs it before the July 4<sup>th</sup> weekend.

Mr. Travous responded that staff can certainly put a package together earlier. The two-day meeting in July is focused mainly on the budget and Strategic Plan. The difficulty with the Agenda is that sometimes it is still being developed literally the day before it is sent out because things crop up that need to be included. The mode is to send the Board packet out on the Monday of the week prior to the Board meeting.

Ms. Stewart noted that it takes two days for it to get to her.

Mr. Travous responded that staff try to give the Board seven days to review the packet.

Mr. Cordasco suggested that the Board certainly needs to be sensitive to the fact that it is mailed 10 days prior to the meeting. Since that is a Monday, that means staff were still preparing it the week before that. By stretching it out so far, when the Board met monthly, it required a tremendous amount of staff time focused on getting paperwork out to Board members when they could be concentrating on the actual efforts they are supposed to be dealing with. Stretching it too far back handicaps them.

Chairman Hays noted that events change rapidly.

Mr. Cordasco stated that staff need to make a note to be sensitive to get the material to the Board as soon as possible. If it can be broken up into two mailings, great. Along

with that, he believes that time is something they need to be aware of and keep as appropriate as possible.

Mr. Porter stated that he disagrees with Mr. Cordasco to the extent that what Mr. Cordasco says is absolutely correct except that the discussion right now is a change in the format for the meetings as suggested by the Chairman, which he likes. He believes they are good ideas. He is always in favor of streamlining and expediting the meetings. In fact, it was not long ago that he suggested cutting down the volume of things the Board is requiring the staff provide them. He believes that has really helped. He thought this packet was much more manageable. He agrees with Ms. Stewart that there needs to be enough time to really digest it. As it happens, this time he felt that he did. There were things that came in belatedly that he was bothered by, such as the ADEQ issue, but he understands why it came in at the last minute. He is a little bothered to see this data on the fee changes coming to the Board at the last possible moment. He felt the Board was pretty clear in March that this information was to be provided at this meeting. He believes staff needs to avoid last minute information like this as much as possible. The issue is how to make this new system being proposed by the Chairman work. He agrees that the only way it can work is to get that material out in a more timely fashion. For example, it took an inordinate amount of time for his packet to arrive. He understands that the mail leaves Arizona, goes to Las Vegas, and makes some kind of a circuitous route back to Kingman. He did not receive his packet until Saturday morning. He understands that is not staff's fault. But, by the time he got through it and discovered that there were four or five things listed in the Minutes that he expected to see at this meeting that were not on this Agenda, there was not enough time to react and seek additional input. He needs time to do it. He likes the system and would like to give it a good faith experiment to see if it could work. He believes it could speed the meetings up and do what Mr. Cordasco is suggesting and take some of the burden off of staff in getting feedback from the Board as to what they are really interested in and where they really do need more data.

Chairman Hays noted that the Board will know more after a time or two.

Ms. Stewart noted that she realizes that there are things that come up at the last minute. She appreciated the fact that staff sent the Draft Consent Agreement by E-mail as soon as it was received. That is a big difference from getting it upon arrival at the meeting. She really hates having something on the table when she arrives at a meeting. She realizes that things change with the budget, but a simple E-mail helps a lot. She really appreciated getting the Executive Staff report from Mr. Travous. It gave her a sense of what the issues were. In her comments to him she indicated areas she would like more information on. There were some exciting things that were brought up. If she had only found about them verbally when he arrived, she might not have wanted to know if some of it could be used to the Board's advantage. She believes it makes them both more efficient. If the rest of Executive Staff could do that it would help. When updates are sent out the Board can focus their questions just on what they need to know more about.

Chairman Hays asked if staff had any comment.

Mr. Travous responded that Executive Staff will discuss ways to improve this process.

## F. BOARD ACTION ITEMS

1. **State Land Trust Reform** – The Arizona State Parks Board will consider a Resolution that supports legislation on Arizona State Trust Land Reform

Mr. Porter noted that he has not seen a draft Resolution for this item.

Mr. Ream responded that staff discussed what this draft Resolution could look like. Because it is a political issue, staff simply highlighted it as a Board Action. It says that the Board will consider a Resolution that supports legislation on Arizona State Trust Land Reform. If the Board wishes to make a Resolution to support a bill that is in the legislature, the Board should draft that Resolution. He tried to word it so that a motion could come out of it fairly easily.

Chairman Hays noted that it appears that nothing is going to happen with this issue during this Session, he asked if the Board needs to take any action at this time. There may be a Special Session on this issue.

Ms. Boland responded that the Speaker has indicated that he is disinclined to do something in this Session. Whether or not a Special Session will be called in time to get it on the ballot in November is in question. The political people in the Trust Land Reform are working on meeting with various legislators. Carolyn Allen has become involved and is very interested in seeing that it goes to the ballot in November. There are concerns about the future of the Arizona Preserve Initiative (API) in the meantime. If it doesn't go to the ballot until 2006 it puts a halt to preservation of State Trust land. There is still hope that the legislature will call a Special Session and that it could get on the ballot in November.

Chairman Hays asked if it would be premature for the Board to pass a Resolution at this point.

Mr. Travous responded that he did not believe it would be premature. To the best of staff's knowledge, all the things that the Board recently hoped for are included and that that part has not changed. He believes that the people who put it together would appreciate support from people like us who will benefit from the reform.

Ms. Boland added that she was with the Land Commissioner yesterday and he urges the Board to support the reform.

Mr. Cordasco asked if July would be as appropriate as today to make a Resolution.

Ms. Boland responded that she is somewhat unobjective. As the political people are working with the legislature, the more entities that they can say support the legislation the better off they are. Now probably is more critical than July would be. If anything happens it will happen before July.

Mr. Cordasco stated that he appreciates all the effort that everyone has put into the State Land Reform. He is very curious and interested in the process and the hopefully good outcomes from it all. Along with that, he noted that in the Board's meeting several months ago the Board discussed that if the parks were going to expand there would need to be a sense of how to fund those parks or the extra effort. Everyone is signing on to a tremendous amount of obligation that might be difficult today to fully

assess. He feels that there should be some thought put into the obligations everyone is supporting. It is one thing to get those lands into open space and feel good about them, but at the same time we talk about funding what the agency is already obligated to. To ask for a lot more without at least putting the thought into it and appreciating that it can be handled or that it won't drain the other resources that the agency has to the hindrance of other parks should be considered. He appreciates that it is difficult to consider that right now when there's been so much effort to get these lands in a place where they can potentially be approved for open space. We would be short sheeting ourselves if we don't put some thought to that obligation everyone is signing on to.

Mr. Porter noted that the Board will not be able to do that in July, either. The Board won't know those answers for months, if not years. His understanding of the Reform is that once it goes into effect a lot of those lands will not have to be funded immediately; they simply become available to the Board. He is not sure that the Board is even assuming any specific obligation other than that there are certain tracts that simply come to the Board basically free. He does not believe there is an issue where the Board has to put capital into it. He believes that Mr. Cordasco is correct about the rest of it. Because the Board has the ability to acquire additional lands without going to bid, etc., it will still have to figure out where to get the funds and set its priorities. He believes that the issue before the Board is whether or not the Board supports the concept of the Land Reform and whether or not to encourage it. He would like to see the Board put forth a base Resolution that puts the Board on record.

Mr. Cordasco responded that he has not read the Reform legislation. He does not know whether anyone on this Board has, either. If the Board makes such a Resolution, they would be supporting a document they have never seen. They are supporting a map that designates land. The Board needs to be aware that when it supports the State Land Reform, which he is sure is tidy and well thought out, the Board has not read it. He doesn't know any of the other issues associated with it. The Board would be supporting something it doesn't even know what it is.

Ms. Stewart noted that this legislation was discussed at the March Board meeting. The Land Commissioner and Ms. Boland went through the Reform.

Mr. Cordasco responded that he read the Minutes and has had some visits with people involved. He has become knowledgeable about it. Even with that, often when one visits with people involved with the Reform they tend to get one focused on the map side of it and not really about the process that is involved in the Reform. He suggested that if the Board makes a Resolution to support the Reform that it is just that – support of the concept.

Ms. Stewart noted that the Board could use this opportunity to note the few areas where the Board has continuing concerns. The first would be with the definition of "vertical development". There is a question of whether or not the way it is presently worded the Board would be able to continue building ranger residences on the park land acquired through this process. There is also a question as to whether the Board would be able to continue to build cabins and yurts on it. She believes the Board would want some clarification on those issues. This might be a way to formally indicate the Board supports the concept of having it without tying the Board down. She understands Mr.

Cordasco's point to some extent. This is somewhat of a moving target. To think that the legislature will approve something like this without changing anything is a bit naive on anyone's part. She believes that the Board needs to be careful that it does not approve something that it does not want to approve; but on the other hand, if the Board can do something to encourage this process to continue it would be helpful.

Ms. Stewart noted that she had a short conversation with Ms. Boland earlier and doesn't remember all of the basics of it. The plan seems to favor acquisition of land by City or County but agencies of the State were not always included in various provisions to acquire land. It also seemed that in order for the Board to acquire land that wasn't designated to it up front would have to be approved by the local City or County. That disturbs her a bit since the Board is running a statewide system and there are many times in the rural parts of the state where there is a big push for economic development and to have jobs and not have land owned by the State or the Federal Government because it is seen as not producing as much revenue. It appears to allow the local people to decide whether or not the State will have a statewide amenity and whether or not something is of statewide significance.

Ms. Boland responded that she is not sure what Ms. Stewart is referring to at the end of her comment. If the land is not designated as either Incentive or Option lands up front, there is no prohibition on the State acquiring that land. However, it would be pursuant to the regular process, which would be option and appraisal. Some of the Incentive lands are designated to come directly to Arizona State Parks (ASP). There are those Option lands that are targeted for ASP, which ASP can obtain without Option. It is the Incentive lands that cannot go to the State or to the Federal Government. Those are the lands that are designated for preservation but do not necessarily get acquired by anyone and would likely be retained by the State Trust and be managed probably for grazing purposes.

Ms. Stewart noted that she thought she had read a provision that indicated that the City or County could acquire them with no provision for the State agency.

Ms. Boland responded that the local jurisdictions can acquire them when they become urbanized. She noted that the coalition has agreed that changes to the legislation will not be made without its agreement. She has a sense that the issue on vertical development would not be a problem, especially if it is limited to ASP. She believes that could happen, and she does not believe anyone in the coalition would object to that. With respect to the other issue, ASP or the Federal Government acquiring Incentive lands, she believes that would be a problem. It is an issue with the cattle growers. They were insistent that as long as the lands were rural they remain with the Land Department and the Land Department continues to have its obligation to get revenue. Ranching is more likely to continue. That is an issue that would meet with resistance, whereas the other would not.

Ms. Emery added that under the Incentive lands just discussed, there are some subcategories, one of which is State preserve eligible. ASP can purchase them. There are certain other categories that ASP cannot purchase. If, under those lands that are designated State preserve eligible, in the end the Board decides it does not want those lands, the Counties and Cities and Towns can attempt to acquire them.

Ms. Stewart noted that her concern was with language where there is primary designation to someone else. On some of them it did not appear that the Board could come in later. On those lands that do not become urbanized until later, it appears that there shouldn't be a problem for the Board to acquire them or taking them with the grazing leases continuing.

Chairman Hays noted that these are all very valid points. It appears to him that the Board is at a point where a decision needs to be made since no one knows what the legislature is going to do about this Reform.

Ms. Stewart stated that she was under the impression that a motion would be made that states the Board favors the Reform. She believes that, at the very least, the Board should put something in that motion that states support is contingent upon something being done about the definition of "vertical development". That would be a very serious problem for the Board in the future. If this concern is stated in the Resolution, it would encourage the coalition and the legislature to do something about it. She is willing to let the more political part out. She believes that making the Resolution subject to the definition of "vertical development" expanded to include the ability for ASP to build ranger residences and cabins and yurts is appropriate.

Mr. Travous suggested that rather than making a Resolution the Board could send a letter, under the Chairman's signature, to the Governor, the President of the Senate, and the Speaker of the House, that states the Parks Board encourages them to move forward in this important issue but that ASP has some questions on language that need to be resolved.

Chairman Hays asked if those points would be raised in the letter.

Mr. Travous responded that the letter could state that one concern would be that development could be put on the parks that would indeed be there to conserve the remaining area.

Chairman Hays stated that he thought sending a letter to the Governor, President of the Senate, and Speaker of the House encouraging continuation with those points clarified is an excellent idea.

Ms. Stewart agreed and added that she would like to see some language as to why the Board feels it is important to be done as soon as possible.

Mr. Travous responded that he would draft a letter for the Chairman's signature and send it to the Board members before sending it out.

Ms. Stewart noted that a copy of the letter should go to the coalition so that they know what the Board is saying.

Mr. Cordasco asked if a motion directing the Director to send a letter is necessary so that the Minutes reflect that direction.

Ms. Boland requested that she be able to review the letter before it is sent out. She requested that those points be mentioned as concerns rather than making the Board's support contingent upon those issues being resolved.

Ms. Stewart agreed.



**Board Action**

Mr. Cordasco: I move that the Chairman send a letter of support to the appropriate individuals and organizations regarding the State Land Reform process.

Ms. Chilton seconded the motion. The motion carried unanimously.

Mr. Cordasco noted that if this legislation goes through this year everyone will be scrambling to ensure that they are well-informed and understand what all of this means to ASP. He asked if, however, it gets postponed whether it would be to 2005 or 2006.

Ms. Boland responded that it would be to 2006.

Mr. Cordasco noted that the Board and staff should continue their efforts relating to PAMS and broadening the economic models associated with ASP to include the potential of the new acquisitions so we won't be chasing the tail and have a solid idea of how it will all fit together.

Ms. Hernbrode cautioned the Board that, when the letter is sent, they be careful to have no discussions outside of the open meeting about this issue. She also wanted to make the Board aware that Mr. Morrow is now present so that the Board can go into Executive Session at its convenience.

Mr. Cordasco asked counsel to explain what she just said.

Ms. Hernbrode responded that the Board would certainly be in violation of the Public Meeting Law if the members engaged in discussions about the content of the letter outside of the Open Meeting. If, when the Board members receive a copy of the draft of the letter, one calls another Board member and asks what that Board member thinks about paragraph 3, it would be problematic. If the Board members limit themselves to brief edits only to the Chairman, it would be OK.

Mr. Cordasco asked what they should do if the Board members receive a draft of the letter and want to change something, or add something, or just support it as is.

Ms. Stewart stated she didn't think the Board members needed to do anything unless they want to make changes. The Board have already said they want a letter to go out. It would only be if there if something in the letter needs to be tweaked.

Ms. Hernbrode agreed and stated that those changes should be sent to the Director. She hopes the Director drafts an incredible letter that no Board member wants to change.

Mr. Porter noted that, in going back to the Minutes from March, the Board went to great lengths at that meeting discussing the issue of whether everything has been done that needs to be done to ensure that there isn't anything else to suggest in the way of lands that have not been covered. The Director indicated he and staff would review it and "get back to the Board" next week. He never got that information.

Mr. Travous responded that staff provided the requested information two weeks after that meeting.

Ms. Emery added that the information was E-mailed to the Board but that Mr. Porter's message kept bouncing back as undeliverable.

Mr. Travous stated that the message stated that staff are reasonably confident that everything that could be picked up was covered.

Chairman Hays noted that the Board's other counsel has arrived and requested a motion to enter Executive Session.

Mr. Porter made a motion that the Board go into Executive Session for the purpose of discussing the Mabery issue.

Mr. Cordasco seconded the motion. The motion carried unanimously. The Board went into Executive Session at 9:50 a.m.

Chairman Hays reconvened the meeting at 10:20 a.m.

Chairman Hays then moved to Agenda Item K to discuss San Cayatano.

## **K. PARKS**

### **1. Section Report**

#### San Cayatano

Chairman Hays introduced Mr. Dennis Getman and Mr. Guy Tobin. He noted that Mr. Tobin is from Rio Rico.

Mr. Travous reported that this Agenda Item is an update on what is going on in the San Cayatano/Rio Rico property. A map was distributed to the Board, with Mr. Travous referring to a larger map. He referred to the area on the map that represented the Sonoita Creek State Natural Area, the first purchase ever made with the Natural Areas money. He pointed out the area that the Board just purchased last fall. Upstream from that purchase are State lands and Patagonia Lake. The State lands between are classified as "conditional" which means that they can be purchased without auction.

Mr. Travous noted that years ago the Board was at the point of purchasing State Land properties. The title became clouded because of Circle Z usage of the land. It will take some dealing over the years to get that problem figured out.

Mr. Travous referred to property that Game and Fish is either in the process of purchasing or has purchased and that they have an option on that they are working with ASP staff to manage. He pointed out where the Visitors Center will be located under Phase I.

Mr. Travous noted that the map includes possible future phases of the project. He stated that he has been working with Mr. Getman and Mr. Tobin, people from the WLB Group, and looking for partners to help complete future phases along the corridor. It will take time. The more partners one has the less time it takes. He has met with the Southeast Arizona Land Trust, the Rincon Institute, the Sonoita Land Trust, and will meet next week with representatives of The Nature Conservancy, the Trust for Public Land, and other groups to discuss their looking at different phases to bring it back into some order and create goals for the long-term.

Mr. Travous noted that Josephine Canyon was named after a charter Parks Board member. Ms. Josephine Bailey was a member of the first Parks Board and was from that area.

Mr. Travous added that Tumacacori has authority and money to purchase land in addition to properties they have already purchased. They are going after the properties for which they have both authority and money. They currently have more authority than money.

Ms. Stewart asked if they have already purchased land between Tumacacori and Tubac.

Mr. Travous responded affirmatively. They have authority to come down further. He noted where the De Anza Trail goes. He stated that the goal is to figure out a way over a specific amount of time to get the area under management for the public. There is a lot of support from the community. Mr. Maynard, County Commissioner, continues to stay involved. He will meet with Mr. Maynard next week. Staff are also working with Mr. Getman and Mr. Tobin and their attorneys regarding bargain sales and things of that nature.

Chairman Hays asked if Josephine Canyon connects around to form a loop.

Mr. Travous pointed out on the map where the loop would be. He showed where the ranger residence would be (at the choke point) that would provide control over particularly the off-highway vehicles that try to get into the area. They are working with WLB Group to reconfigure a part of it in order for ASP to serve in partnership with the private owners. The hope is that it will increase their sales and that such a partnership will be a model for the future. People will pay more for areas that are next to protected areas.

Mr. Travous stated that staff anticipate that over the next five or six months more thoughts will come together as more is heard from various partners what they would like to do and what pieces of it they would like to be involved in. Staff will come back to the Board with future ideas and future motions. Staff are looking at anything from bargain sales to donations to outright purchases in some areas. As an example, he pointed out an area that does not meet the criteria for Natural Areas money. Staff have hiked that area. While it is nice, there is nothing that would give it Natural Area value to justify purchase with those funds.

Ms. Stewart noted that she received a call from Mr. Maynard last week. He was urging the Board to purchase a particular piece of land. She asked if that is the piece.

Mr. Travous responded that he spoke with Mr. Maynard but no mention was made of purchasing a piece of land. He will meet with Mr. Maynard again next Tuesday. He noted that there are issues with a school district and an area that is not owned by Avatar.

Mr. Travous noted that the biggest difference now is that staff are looking for partners. The truth is that in five years, if everything stays in tact with the Heritage Fund and everything else, he believes the Board could do it all on its own. But that commits the Board and staff to spending almost everything in this area. He wants to keep the Board's commitment to the area while ensuring that there is money to do other things as they come up over the next four or five years. He is diligently searching for partners to take over a part of this area. Congressman Ed Pastor, for example, is having a fundraiser in that area in the next week or so. There is NAFTA money that should be available for water and he would like to discuss the possibility of getting some

congressional money earmarked for helping the Board do that. He feels Congressman Pastor can assist in that.

Ms. Stewart stated that she assumed Mr. Travous would be speaking with Mr. Maynard about the County coming up with some money as well. He has approached her several times over the last couple of years wanting the Board to do something. Every time she responds that the Board wants to do something but needs County assistance. He has said he thought they could help with some money for management.

Mr. Travous responded that he plans to approach Mr. Maynard with the idea of the County applying for Trails money. If they just come up with half of the money they could apply for a grant from Trails money from two different sources. They would come up with half of the money and ASP would provide the other half through a grant if they are a successful grant recipient.

Mr. Travous thanked Mr. Getman and Mr. Tobin. They have been very encouraging. He wants this project to work to where they feel their properties are being sold because the Board has protected areas. He stated that he believes that Mr. Getman comes at it from just the right angle. He invited Mr. Getman's comments.

Mr. Dennis Getman stated that they are very supportive and want to work with the Board. They want to be a partner in this project. It is not just to sell land; they want to do things and are prepared to put funds into this project. They like ASP's vision for the area. He felt that it is a golden opportunity to do something very special for that area. It would be something that would make everyone very proud when it is completed in five, six, or seven years from now. It is unique and will benefit everyone.

Chairman Hays thanked Mr. Getman for his comments.

Ms. Stewart stated that this is very exciting. It is the kind of project that the SCORP indicates the public wants. They want more of this type of less-developed preserve, trails, and open space. She noted that she has one continuing concern. She feels the Board will have to be very careful over the years to ensure there is not a problem when there is a fairly small piece of land that is publicly-owned surrounded by private land. People move there because of that amenity. Once they get there they really don't want the public walking along their backyards. There has been a tremendous problem in Scottsdale and Phoenix regarding their trailheads and access to Pinnacle Peak Park (it took seven years to open it to the public because the surrounding homeowners were upset). This is something everyone has to be vigilant about and ensure that the public access points are put in place before land is sold to homeowners. Everyone needs to understand that this is a public amenity and not just a private amenity.

## **F. BOARD ACTION ITEMS**

2. **Designation of Park Ranger Law Enforcement Officer** – Staff recommends that the Arizona State Parks Board designate Eric Buzonas and Robert Burson as Arizona State Parks Law Enforcement Officers, contingent upon their successfully completing the CARLOTA training.

### **Board Action**

Mr. Porter: I move that the Arizona State Parks Board, pursuant to Title 41, Chapter 3, 45-511.09 ARS confer upon designates Eric Buzonas and Robert Burson the full authority and powers of a Peace Officer for the protection of the Parks and Monuments against damage and for the preservation of peace therein, contingent upon successful completion of the CARLOTA training program scheduled for May 28, 2004.

Ms. Stewart seconded the motion. The motion carried unanimously.

Mr. Ream reported that graduation from CARLOTA is next Friday, May 28 at the Central Arizona College at 2:00 p.m. in their auditorium.

Ms. Stewart encouraged any Board member who could to attend. It is very impressive in terms of learning what they do. They have a video that shows some of the training they go through. It is a moving ceremony and gives one a far greater appreciation for what they do. Frequently the ASP rangers are at the top of the class.

Mr. Ream noted that the ASP rangers currently rank as #5 and #2 in their class.

3. **Proposed State Parks Fee Revisions** – Staff recommends that the Arizona State Parks Board adopt the changes described to the Annual Pass fees. These changes will apply to all Annual Passes sold after January 15, 2004 and allow staff to exchange the Deluxe and Premium passes for the \$45 Annual Pass and the \$100 Colorado River Pass, respectively, and further allow staff to proceed with the public notification of said changes.

Mr. Ream reported that this is the one fee item that the Board have had in their packets for some time. He stated that he has a great deal of feeling about ASP and the way it manages fees and customers. It makes a difference in how he presents it and the kind of work that has gone into it.

Mr. Ream noted that in January the Board, in a quick effort, passed a new fee schedule for the Annual passes. Upon immediate implementation of that new fee schedule, staff received public complaints about the passes. Two things were done with these passes. One was that the "Unlimited Pass" was raised to \$100 and then removed the "unlimited" portion out of it and committed it just to the Colorado River parks. The reasoning behind that action was that most of those passes are sold along the Colorado River. Very few passes are sold beyond that area. Yet the price was raised while some of the value was removed. Even though there is not much of a net effect on the other parks, some value was removed. Staff proposed to retain the \$45 "Limited Pass" at all of the parks but removed some value from it also. There used to be a value that said with the \$45 pass, except for weekends and holidays, the Colorado River Parks could be used on that pass. It was done quite a number of years ago as a concession to Lake Havasu residents. They don't really go out on the big weekends. They go out during the week. Being a resort town, the serviced-related people work the weekends anyway.

Mr. Ream stated that with the above in mind, plus the public comment staff received in January and continue to receive, staff would like to make some changes in that pass – not decreasing the price. Staff would like to change the names of the two passes that would be more in line with what they offer and adding those values that were removed in January back in. Monetarily it would not have much effect based on what was sold in 2003. In fact, the revenues would probably increase by \$100,000 if 4,000 of the \$100

passes are sold. If the same number of 4,000 passes are sold in 2004 as were sold in 2003 an additional \$100,000 would be made.

Mr. Ream stated that the staff recommendation is that the Board adopt, instead of the "Arizona State Parks Deluxe Annual Pass", the "Standard Annual Pass". The \$45 pass would be called a "Standard Pass" and the Premium Pass would then be the \$100 pass allowing admission into any park for day use purposes. It does not specifically address the resident/non-resident issue being raised. This does not affect a great number of people. Most of them will buy the \$100 pass. Mr. Knotts, the Regional Manager, feels that he can defend this idea at his fee meeting. The Chief of Operations was recently at Lake Havasu and these annual passes were all they wanted to talk about.

### **Board Action**

Mr. Cordasco: I move that the Arizona State Parks Board adopt a fee change for the annual pass program as presented by staff to take effect on May 21, 2004 or as soon as possible. These changes will apply to all annual passes sold after January 15, 2004 and allow staff to exchange the Standard and Premium passes for the \$45 annual pass and the \$100 Colorado River Pass respectively and further, allow staff to proceed with the public notification of said changes.

Ms. Stewart requested that the motion state exactly what is being done. She finds that when she looks back in the Minutes and it says to accept the staff recommendation she has to look at the materials from that meeting. She believes the Board's motions need to be more specific as to what exactly the motion is. It is cleaner and neater if the motion says exactly what is being done. As stated, the motion does not spell out what the passes are.

Mr. Cordasco stated that he would restate his motion.

Mr. Cordasco: I move that the Arizona State Parks Standard Annual Pass shall allow the permittee and up to three additional Adult persons, in the same vehicle with the permittee, access to all recreational facilities. This permit will not be accepted at Lake Havasu, Buckskin Mountain, River Island or Cattail Cove State Parks on Fridays, Saturdays, Sundays, or any recognized State Holiday. In addition, the Arizona State Parks Premium Annual Pass will be administered the same as the Arizona State Parks Standard Annual Pass and will have no restrictions of acceptance for the day of the week or Holidays. Further, I move that the Arizona State Parks Board adopt a fee change for the annual pass program as presented by staff to take effect on May 21, 2004 or as soon as possible. These changes will apply to all annual passes sold after January 15, 2004 and allow staff to exchange the Standard and Premium passes for the \$45 annual pass and the \$100 Colorado River Pass respectively and further, allow staff to proceed with the public notification of said changes.

Mr. Porter seconded the motion.

Ms. Stewart stated her concern about the information she received today and the information she received when the Board took the action in January when they adopted the other passes. In reading from the Minutes of that meeting, what the Board was told then seems inconsistent with what they are being told today. The Board was told that, "There is a great annual pass program at all of the parks. However, when these high

visitation river parks are included we are 'giving away the farm'. Most of the visitors to these parks are annual pass holders and, rather than local residents, are California residents who return weekend after weekend. Staff recommended raising the price of that pass which would be good only at those parks along Lake Havasu." Today the Board is being told that it's the residents who are having the problem and that it doesn't make any difference in terms of the money. The Board really never received any detailed information on the revenue issues and what the difference will be, how many passes are sold to residents and how many to non-residents. It is problematic that that information is not readily available. The whole thing discourages her.

Chairman Hays called for a vote on the motion on the floor. The motion carried with Ms. Stewart voting Nay and Mr. Winkleman and Mr. Beechum absent.

4. **Revised FY 2004 Reservation Surcharge Fund Operating Budget** – Staff recommends that the Arizona State Parks Board approve the revised FY 2004 Reservation surcharge operating budget as a lump-sum and that the Executive Director be authorized to implement the program, including submittal to the Governor's office and legislature as required.

#### **Board Action**

Mr. Porter: I move that the Board approve the revised FY 2004 Reservation Surcharge operating budget as a lump-sum and that the Executive Director be authorized to implement the program, including submittal to the Governor's Office and legislature as required.

Mr. Cordasco seconded the motion.

Mr. Siegwarth suggested that the motion include the sum of \$150,000 to clarify the amount of the revision. The reasons are that he does not believe we will have the revenues. If this money is not spent by June 30, it reverts to the General Fund.

Mr. Porter restated his motion as follows.

Mr. Porter: I move that the Board approve the revised FY 2004 Reservation Surcharge operating budget as a lump-sum and that the Executive Director be authorized to implement the program, including submittal to the Governor's Office and legislature as required. The intent of this motion is to add the sum of \$150,000.

Mr. Cordasco seconded the restated motion.

Ms. Stewart noted that she does not necessarily have any problem with this, but is not sure she understands. It says the increase in revenues will upgrade the Reservation system equipment at Kartchner Caverns State Park (KCSP). She recalls prior discussions on implementing a statewide reservation system where people could reserve campsites and cabins, etc. She asked if any of this money will go for that purpose.

Mr. Siegwarth responded that the issue is that on June 30 the money reverts to the General Fund. Staff cannot really invest in the statewide system this month. The FY 2005 budget will provide for getting the statewide system up and running. Because of the timeframe, only KCSP is being considered at this time.

Ms. Stewart noted that there is no intent to abandon the statewide reservation system.

Mr. Siegwarth agreed that there is not.

Chairman Hays called for a vote on the motion on the floor.

The motion carried unanimously.

Mr. Porter requested that the Board move to Agenda Item K in order to continue the discussion on park fees and the ADEQ Consent Agenda since these items will probably require some discussion by the Board.

Chairman Hays agreed to move to Agenda Item K.

## **K. PARKS**

### **1. Section Report**

#### Proposed State Park Fees Revisions

Mr. Ream stated that these things change quickly and apologized for not getting these fees to the Board until this morning. He never intended a staff recommendation nor a Board action on the summary of changes distributed this morning.

Mr. Ream reported that staff presented a group of proposed fees at the March Board meeting. After some discussion, the Board directed staff to send out the proposed fees with making it free for children under 14 to enter historic parks and to lower the Yuma Crossing Adult fee from \$4 to \$2. Staff did take it out for public comment. There are anecdotal comments that the Marketing staff can share with the Board. Staff reviewed the comments. Because the proposal went out without those changes, staff would like to again go out for public comment and talk specifically about these two issues – the Yuma Crossing Adult fee being lowered from \$4 to \$2 and the changes to the historic parks. It was suggested in the Executive Staff meeting on Monday that this should have a staff recommendation and Board motion. He did not anticipate the need. He thought it would go like it did in March whereby the Board and staff would discuss the changes and get direction from the Board.

Mr. Ream stated that staff's initial thought was that a fee proposal would be brought to the Board today that the Board would take action on and staff would implement. What staff heard from the public and from staff prompted him to not ask the Board for action because he does not know enough at this time to give a staff recommendation on those actions. There were just too many fee changes.

Mr. Ream added that staff was also requested to find out what these changes would do to revenue. It appears that if all the fee changes were adopted as proposed and if visitation remains static, the loss would be \$5,000 net. There would be no increase in revenue excluding camping.

Mr. Siegwarth added that if all the fee changes were thrown together, the loss in revenue would be \$6,000. One fee he has a very difficult time dealing with is raising the hook-up fees from a range of \$19-\$22 to \$19-\$25. He really can't calculate how many times per year the sites would actually be rented out at \$25. He believes that the



number would probably swing to the positive. Some of the camping changes could be documented; others couldn't.

Mr. Porter asked if there was ever a readout on what the change he and Ms. Stewart most vociferously argued for on the 7-13 age group at the historic parks would be. It seemed as though a couple of things were accepted regarding leaving something in place for the Riordan tour and the Natural Bridge at Tonto. He asked if staff calculated what it would cost.

Mr. Siegwarth responded that RAM was a huge help in this. Children under 14 free at historic parks calculate to a loss of \$21,000. Since Tonto is being changed from per-car to per-person, assuming that those children come in free, it is estimated that it would be an additional \$11,000 loss. The total loss is estimated at \$32,000-\$33,000. That estimate is based purely on FY 2003 visitation. If visitation were to increase because children were free it would offset the loss.

Ms. Stewart asked if staff are saying there would be a loss at Tonto. It seemed to her that the revenue received from per-car rather than per-individual would result in a lot more revenue than was collected last year.

Mr. Siegwarth responded that the revenue gain would be \$58,000 going from per-car to per-person. Of that \$58,000 some would be children. The net would be \$47,000 increase in revenue at Tonto after deducting for the children who would come in free.

Mr. Ream added that these are figures that staff arrived at through staff's research of the proposed fees and those things that have been done that staff have not had time to digest.

Ms. Stewart responded that, based on the fact that the Board doesn't really have the figures on this, she sees no reason for the Board to say they like this proposal and want to send it out to the public. She has a real problem with it.

Mr. Travous responded that there are two issues. One is procedural and the other is what staff are trying to do here. Staff are not asking the Board to approve these fees. Staff are asking the Board to approve staff taking this proposal out to the public to get more feedback. Staff have a monetary feedback, but not feedback from the public on what they think about these changes. He wants the Board to understand that they are not making any changes; they are giving staff the authority to go out and report what the Board is considering.

Mr. Travous noted that the second issue is procedural. At the last Board meeting, even though there were some Board members who were vociferous, no vote was taken. Staff left that meeting confused.

Mr. Porter noted that he wanted to take a vote but staff said they did not need a vote.

Mr. Travous responded that staff were wrong. Because no vote was taken to clarify what the Board wanted, staff came out with differing understandings of what the Board wanted. He thought staff was to go out with the 7-13 issue so staff would have that information, but that it wouldn't be implemented. It would be only to get that information and come back to the Board with that information. That was not the understanding other staff and apparently the Board had. A clearly-stated Board motion

would have satisfied things for everyone. In a way things stand as they did in March. Regardless of what staff do, a Board motion is needed this time to ensure staff understand what it is they go out to the public with.

Ms. Stewart stated that staff have been out to the public and asked if staff are telling her that the public complained that the Board wasn't going to charge for children.

Mr. Travous responded that staff did not bring that issue into the public discussion.

Ms. Stewart asked whether it showed that there wasn't a fee for children. She asked if anyone in the public said there should be a fee.

Mr. Travous responded that to have it as defending a negative rather than a wide open discussion makes it different. If staff went out and said all fees will be free, there might as well not be anything out there at all. Staff needed to have it in there in order to get feedback that there was going to be a fee imposed. Otherwise, there was no cost to them and no reason for them to say anything.

Ms. Stewart stated she still has the concerns she had before. Fees at the historic parks were raised by as much as 33% or more two years ago. Visitation at most historic parks dropped after that. The revenues remained about the same. There was no major impact in revenue and some even increased a little. However, it seems to her that historic parks are one of the things the Board does for community benefit to some extent to preserve the culture and the history. Attendance at our historic parks is miserable. One of the things the Board wants to do is to make them more readily available to people. The gift shops have been changed, as well as the book selling program. Most museums and Historical Societies rely to a large extent upon those sales to assist with the operating costs. That's what keeps the doors open. If people don't come in there are no sales in these areas. If one looks at the cost for a family of four to go to one of these historic parks with the state of the exhibits today at some of those parks, it is appalling. Some of them are wonderful. She visited Jerome recently, and that is a wonderful museum that the agency can be proud of. However, some of them have not received the money necessary. They have a lot of potential. She enjoys going to them. But at the rates being charged, they are not a fair value. She is very concerned about charging \$4 at Yuma Crossing when she sees very little difference in what is being offered to the public for that fee than at Fort Verde. These are communities with similar financial abilities to pay; they are similar offerings; they both have fairly outdated exhibits. Both of those parks are in need of a major overhaul, while they both have some fairly nice exhibits. Look at what is being done in local communities and the quality of what the agency is presenting and what local historical societies are doing and what the agency charges and what they charge. A good example is McFarland. There was no fee; then the fee was raised to \$3 three years ago because there wasn't enough revenue being collected and not enough people were coming in with no fee. After charging a \$3 fee, yearly attendance is less than 3,000. Half of that revenue comes at the annual Home Tour where people purchase a \$10 pass to visit a number of places, one of which is the state park. On that day the park gets about half of its annual visitation. Down the street is the Historical Society. They do not charge a fee. She just received their newsletter. The attendance at the Historical Society for the first quarter of this year was more than 3,000. The quality of the exhibits is very similar, yet they are doing much

better financially because they have a donation box and people are donating and buying their books. She is very concerned.

Ms. Stewart added that more is being charged at Yuma Crossing than is being charged at Jerome, which really has some very up-to-date, nice things. Children will pay at Yuma Crossing. A family with two adults and two children pay \$12 to go there. That's an expensive outing. The City of Yuma attended the March meeting and asked the Board to make attendance free for people. She doesn't know that the Board can afford to or want to go that low. It seems to her that until such time as the exhibits are redone (a couple of years off probably) the Board should be trying to get people in the door and talking about something a lot more reasonable.

Ms. Hawks responded that RAM staff have not had the opportunity to present their data. However, comment was received from the public that the agency should be charging for children at historic parks. Staff at historic parks have commented that they are concerned that free admission to children 7-13 would create a management issue in the respect that when teachers bring a group of children to the park on a school bus, the parks currently have a method of scheduling them and charging them per-person. If they can show up with a teacher and a busload of children, and the children are not charged, they can show up any time they want and staff won't know or be able to adequately schedule staff to cover the tours.

Ms. Hawks added that the lack of exhibits or exhibits being lost at Yuma Crossing was mentioned at the March meeting. The Park Manager from Yuma Crossing sent some information in that regard. It is correct that in 1997 the park lost one exhibit consisting of three items (a stagecoach, a Wells Fargo wagon, and an ox cart). The person who owned those items sold them; the new owner essentially took them back from the park. Since then, staff have added six new exhibit areas totaling 2,000 square feet. The new exhibits are 74 square feet of interpretive panels with supporting artifacts, 120 square feet in the pilot house for a steam navigation exhibit, the five rooms that were closed to the public are now open to them and display 350 photographs on the history of Yuma, there are 10 military uniforms there now, there are some lithographs, there is an interactive steam engine exhibit, two interactive waterfall models, one interactive computer model, and before the end of the month the park will host an exhibit from the Mexican government.

Ms. Stewart asked if staff can provide the annual visitation at Yuma Crossing of children and of adults.

Mr. Siegwarth responded that visitation at Yuma Crossing for children between 7 and 13 years of age totaled 922 children and 14,759 adults. Those figures do not include school groups.

Ms. Stewart asked what the visitation is at Yuma Prison.

Mr. Siegwarth responded that visitation at Yuma Prison was 3,200 for ages 7-13; and for adults it was 38,800.

Mr. Porter stated that he, personally, does not have any particular heartburn with recognizing that the kind of attendance with school groups coming to the parks puts extra stress or extra work on the staff. It is different from regular visitation. Therefore,

perhaps charging \$1 per head for the school groups and requiring that they be registered in advance is something he can see staff needing. He would like to have that kind of problem. There are a lot of places that may have free admission for children who come with their families or even on their own. However, an organized school group impacts their facilities a lot. They, therefore charge them. He can see that being worked in. He can probably support that as a fee change or fee policy. He still has not changed his position from March. He still very strongly would like to see the Board charge no admission through age 13 at the historic parks. In March he stated he did not have a particular problem with Tonto charging children. Ms. Stewart's point in March was that since children are essentially admitted for free at the recreational parks, an argument can be made for doing that at Tonto.

Mr. Ream suggested adding the term "accompanied by a parent" to the fee. That would solve the school children problem because they would not be accompanied by a parent. When a family comes to the park, the parents buy adult tickets and the children get in free, regardless of how many there are.

Ms. Stewart noted that the words "family member" or "guardian" could be used.

Mr. Porter added that even the words "accompanied by an adult" would work.

Ms. Stewart disagreed because the adult could be a teacher on a bus. She noted that the parks do not want to become babysitters, either. She believes that if they don't come with the family then they pay a fee.

Mr. Ream reminded the Board that this is just a change in proposal; it is not a change in the fee structure. Staff would still go out to the public and ask if it is compatible with what they want. While staff get public comment, some of these comments come from park staff. As this information trickles down and they see the new fee structure, it is not until it is imminent until their issues come up. That is the nature of how things happen.

Mr. Cordasco asked if the requested motion today will be to adopt the changes or to take the proposed changes to the public.

Mr. Ream suggested that the Board might want to move to change the proposal to allow parks to pursue the "accompanied by an adult" language for historic parks' fees for children under 14.

Ms. Stewart stated that she wants to know exactly what staff will be sending out to the public.

Mr. Ream responded that the "white" copy of the proposal that was provided to the Board this morning would be changed at the 7-13 ages for Fort Verde, Jerome, McFarland, Riordan, Tombstone, and the rest of the historic parks at the bottom of the page and add "ages 7-13 are free if accompanied by a parent or guardian", with the exception of Riordan.

Ms. Stewart suggested that "adult family member" would be more appropriate.

Mr. Ream responded that all three terms can be used as staff go out for proposal and even discuss with the public which term is most appropriate.

Mr. Porter asked if these fee changes would finally come back to the Board for final adoption.

Mr. Ream responded affirmatively.

Mr. Porter noted that the requested motion would permit staff to go back out for public comment with these various alternatives presented.

Ms. Hernbrode suggested the Board consider the term "accompanied by a paying adult" so staff don't have to get into figuring out the relationship of the child to the adult.

Mr. Porter noted that a school teacher with 50 school children would be a paying adult.

Mr. Ream responded that the words "with the exception of school groups" can be added as well. Staff can accept a lot of things in the wording; the fee structure will say "children free when accompanied by a family member, guardian, etc."

Ms. Stewart suggested charging a fee for groups of more than so many children. Staff would not want clubs or other groups coming in 50 at a time without knowing about it.

Mr. Porter asked if staff have recommended language for a Board motion.

Mr. Ream suggested going on to the next Agenda item while staff work on a proposed motion that encompasses the Board's direction.

#### ADEQ Draft Consent Order Update

Mr. Ream apologized for getting the draft Consent Order to the Board at the last minute. The draft before the Board dated April 28, 2004 was written by ADEQ. Since April 28 he has had at least three meetings with ADEQ to change the wording in that draft. Each time he met with them they requested ASP's proposed wording, and staff complied. Simultaneously, the Board's counsel has been meeting with ADEQ's legal representatives on the legal aspects of this Consent Order.

Mr. Ream reported that ASP staff's changes were mostly based on the timelines. In reading what ADEQ asked ASP to do and to check the integrity of all of the water and wastewater systems, ASP staff assumed the definition of "integrity" meant hiring a consultant who is an expert in water and wastewater and completely and thoroughly going through all of the agency's systems. ADEQ staff stated that is not what they are looking for under "integrity". They are looking for "functions as designed". Basically, the agency has some older systems that are functioning properly. There are more modern techniques for doing what these systems currently do, but they are functioning as designed and providing safe treatment to both wastewater and drinking water. This created a situation where ASP staff felt a new proposal needs to be written to include this new wording. At the same time, Ms. Hernbrode was working with their attorneys to change some boilerplate language. They hate to change boilerplate language. ASP staff believe they have wording that allows ASP to comply with the Consent Order to make its systems meet ADEQ standards. A lot of them are procedural; they are not water quality related.

Mr. Ream reported that staff will make up a checklist, check all of the systems, correct deficiencies, and then instead of saying "365 days to make all corrections or face civil

penalties" staff are saying that after checking for these deficiencies, if any are found that deficiency will be corrected within one year from identification. A contractor will be hired; the system will be designed and built. A timeline will be set up that staff can reasonably make. The timeline will not be arbitrary. Staff are not sure what they will find in the inspections. He is sure a problem or two will be found. One doesn't go into an inspection not looking for a deficiency. Staff will look for deficiencies, but ADEQ won't come and check up on it. There will be no follow-through by ADEQ. They really just want staff to look at the systems and correct any deficiencies under this Consent Order. He is comfortable with the timeline.

Ms. Hernbrode noted that Ms. Boland assisted in negotiations with ADEQ's attorneys. It has moved up the chain from line attorneys to supervisory attorneys in the Attorney General's Office. They are really interested in a provision that is required in all state contracts that talks about the unavailability of funding. ADEQ is concerned that ASP would say there is no funding and are therefore out of the Consent Order and will not do anything. ASP counsel assured them that is not what they were looking for. It is known that the legislature appropriates money on a yearly basis and the agency cannot enter into a contract that says money will be spent in subsequent years. The language that ADEQ's attorneys and ASP counsel agree upon states that nothing in this agreement obligates ASP to spend money in excess of those appropriated and allocated for the purposes outlined in the agreement. However, should ASP fail to comply with this agreement because of fiscal funding issues, ADEQ may pursue other remedies as are available to them.

Ms. Hernbrode reported that she made a proposal to ADEQ a week-and-a-half-ago but has not heard back from them. She understands that staff had some indications that ADEQ does not agree to that proposal at this point. That issue appears to be in limbo.

Mr. Ream stated that he believes the Consent Order as it stood with ASP staff's changes incorporated into it, but without counsel's proposed changes, is in the agency's favor because ADEQ cannot expect ASP to pay fees that are not appropriated for it. That is the law. Counsel is actually helping ADEQ with their boilerplate. They can come after us but there is some case law that says they cannot get beyond what was appropriated.

Ms. Stewart noted that the Board has a lot of discretion in terms of where it spends its funds. She doubts that the Board will ever reach the point where those totals of dollars are not available. She believes that the Consent Order means that if those dollars are there that is where they will go first rather than that the Board can go out and build or repair something else. She does not believe that will let the Board off the hook.

Mr. Porter voiced his agreement with Ms. Stewart's comments. He understands what staff are saying, and what staff are saying has logic, but staff should not rely on logic. He believes that Ms. Hernbrode's point is well taken, and that Ms. Stewart is hitting it on the head. If ADEQ decides that the Board has violations, the Board will not get off the hook by saying the legislature did not give it enough money to do all the things that need to be done. They could require that whatever it takes goes into correcting those violations first. He would hope they would not be that arbitrary. However, he does not have any inclination to enter into an agreement of this nature unless the agency is positive that it can comply. The Board is digging such a hole for itself if it enters this

decree and cannot meet the letter of what is required within whatever the time frames are. After reviewing it, he sent a message to Ms. Emery who was kind enough to immediately call and discuss that issue. He expressed to her a very deep concern that, after reading it, he is not at all sure that the agency can comply. That was before the change being suggested. The time frames were of great concern to him. Those deadlines were so short that he did not believe the staff could possibly comply with them. He does not believe the agency has the personnel to do everything that needs to be done much less necessarily the funding needed. It continues to be a concern. He understands that the Board wants to do a Consent Decree as opposed to having them file a lawsuit in Superior Court and then go through that procedure. But the Board takes a much bigger black eye and faces much more severe penalties if it enters this decree and then violates it. The Board must not do that.

Mr. Ream responded that staff waited until the very last second possible in the hope of getting the Board a copy of a revised draft Consent Order. It was his understanding in working with ADEQ that staff would have that revised draft Consent Order by Monday in order to give it to the Board for discussion today. He considers the ball to now be in their court. They know that the Board does not meet again until July. He expects to get their final draft in the next week or so. He suspects that unless something really huge happens that his going in to speak with ADEQ will not effect any additional changes. He has gone as far as he can at his level with ADEQ staff across the table effecting changes to this Consent Order. If there are changes requested by this Board he will certainly carry them back to ADEQ but it will probably have to go to a higher level.

Mr. Porter stated that he, as one Board member, will not be able to vote to approve entry into that decree until he has the Executive Director's assurance as head of the agency that it absolutely will be able to meet the letter of that decree with the time frames set forth, whatever they ultimately turn out to be. If he has that assurance, he will probably go out on a limb and vote for it with the Executive Director clearly understanding that he certainly does not want to come back before this Board with more violations a year-and-a-half later trying to explain why the Board is getting \$4,000 a day fines, why it's getting a black eye, getting editorialized against in the newspapers. He guarantees that at that point, if he has anything to say about it, the Executive Director will probably be looking for another job. He believes this is that serious. He believes he knows the Executive Director well enough at this point that he will not tell the Board that we can comply unless he is positive we can. He does not know when the Board will be able to do that. If it is possible to not do it until the July meeting and ADEQ will live with that, then fine. If they start insisting that it's final and to take it or leave it and require an answer within a number of days, the Chairman may have to call a special Board meeting.

Mr. Travous responded that he is very uncomfortable signing something that says he is consenting to do something. He has other statutes that he must follow. It doesn't matter how much pressure is on them, he doesn't like the whole idea. If it were up to him he would straighten this situation out and have the agency in compliance before it ever comes to a showdown with a Consent Order. He is working to get the compliance taken care of and prefers to have the agency in compliance before ever having to sign a Consent Order.

Chairman Hays asked what being in compliance means and whether there is a big problem anywhere in the park system.

Mr. Travous responded that he does not believe there is a big problem. A lot of this is purely bureaucracy.

Chairman Hays asked if the scope of the problem can be measured yet.

Mr. Travous responded that he believes it is procedural more than with equipment.

Mr. Ream added that nothing is not working.

Mr. Travous added that ADEQ is concerned that our procedures won't catch it if something is not working.

Mr. Ream added that there have been no hits on improper equipment or improper deficiencies. The hits are mostly procedural: lack of permits. Staff received a call last week that said a permit is needed at Slide Rock. Within a week it was determined that no permit is necessary at Slide Rock. He explained that ADEQ is a huge agency. They have instructors and compliance staff and an enforcement section. The Enforcement Section is whom staff are dealing with. Staff prefer keeping it in the compliance atmosphere. As soon as the violations are resolved, staff go back to dealing with compliance rather than with enforcement.

Mr. Porter noted that meanwhile Enforcement has a wondrous decree in their hands that puts the Board in a bad situation.

Ms. Hernbrode noted that it is important for the Board to keep in mind that staff have not signed this Consent Order. ADEQ is fully within their power to sue the Board for these violations until that Consent Order is signed. They do hold a hammer. She has not evaluated how good their legal claim is against the Board. She has simply reviewed the document for the minimal legal requirements the Board needs. The Board needs to recognize ADEQ do hold a hammer.

Ms. Stewart stated that she had a number of concerns about the Consent Order. She senses that the Board is being told something other than what this seems to be saying. If this is not correct, then the Board shouldn't sign it. It talks about a number of violations that appear to be more than just technical or procedural. If some of these things are not accurate and they cannot prove them, the Board should not sign this document and should require it to be changed. But, this document talks about exceeding the NCO for a total chloroform; it talks about failing to collect samples; failing to collect the minimum number of samples; failing to collect repeat samples; failing to collect additional samples; failing to provide certified operators; failing to use the proscribed protocols; sample preservation container and maximum holding time procedures, etc. The way those things are worded appear to her to be far more than procedural or technical violations. If the Board signs something that says the agency has done these things and yet staff is telling the Board that there has only been some paperwork or other minor violations, then the Board should not agree to something like this.

Mr. Travous responded that he is not saying that. There are some things that are procedural. What he is telling the Board, though, is that some of these things are a



tempest in a teapot. In one case staff sent the forms to the Department of Health Services. Health Services forwarded them over to ADEQ on forms that ADEQ would not accept.

Ms. Stewart stated that that should be changed in the document so that it clarifies that staff did not send them to the right place. It needs to be more accurate. She has never seen a Consent Decree that doesn't say when the violations occurred. This is an open-ended document. She is also concerned about the fact that they are reserving the right, even if the Board signs it, to come after the agency about things that occurred prior to the Consent Decree that they knew about but did not cover in the document. The Board doesn't even really know what is covered by this document. When the Board met in March they received a memorandum from staff that talked about violations that were received in December. She received some in November that were sent to the Executive Director. She has no way of knowing if all of those violations are included in this document. The Board is being put in a position of not knowing what they are actually admitting to specifically and how long it will go on. ADEQ is holding this over the Board's heads. When one has a suspended sentence criminally it usually provides that if one is good for the next so many years then the charges are dismissed. Here it just says that they won't do anything for so long as the Board is in compliance, but it could go on for five, twenty, or more years.

Mr. Travous responded that he made the point earlier this week that he doesn't even know when the agency gets out of jail.

Ms. Stewart agreed. She stated that this is an area of law where she does have experience. While not in the ADEQ areas, she was involved in a lot of civil enforcement actions. She finds the form of this Consent Order to be rather disturbing. She feels the Board would be much better off if they listed each violation, especially if staff are telling the Board that they are fairly routine things and that there is more specificity in them. She wants assurance that not only can the agency comply (i.e., where are we in the hiring process) but also that the attorneys feel that these things could be proved if there was a hearing. She does not want to agree to something they don't have evidence on and that the agency did not do.

Mr. Ream responded that there are a number of things that cause a "failing sample". One is a leak in transit. That automatically indicates that staff have to go back and do those tests again. A lot of it is procedural. It's not that there's a lot of negligence on staff's part. On the question of whether or not the agency can comply, there were discussions about listing every violation in the Consent Order. It was ADEQ's thought to abbreviate it using samples of the types of violations they have noted. This is a Consent Order and not something else because there is almost an agreement that if we fix these things it will go away. That was pretty much the tenor of the meetings he had with their staff. Staff read a great deal into this Consent Order at first. After meeting with their staff over and over it was learned that the intent is just for the agency to fix it.

Ms. Stewart responded that that is not in the document. If the Board enters into this agreement and for some unfortunate circumstance something happens a year down the road and there is a system failure where there was a violation of total chloroform or something else and someone is injured as a result of that, when the newspapers get this

document it creates some big problems. They infer that the agency has been doing this all along. She believes that the totality of the agreement has to be set forth here. They can assure ASP staff in some meeting that it will all be fine and that they are really not going to hurt the agency all they want, but this can hurt the agency in ways other than just by ADEQ. She believes that the Board has to be sure that what they sign is accurate and specific enough that the Board doesn't hang themselves by their own desire to get the issue resolved. She does believe a Consent Decree needs to be signed.

Chairman Hays asked what staff suggest the Board do.

Mr. Ream responded that staff have a master list of all the Notices of Violation (NOVs) and where they occurred. They could be added as an Exhibit to the Consent Decree. ASP staff compiled the master list. Every NOV was assigned to the appropriate park, what it was, whether there were multiple NOVs (many of which resulted from bad samples) and when they occurred. The Board can have the specificity it is looking for by adding this master list of violations as an Exhibit to the document.

Ms. Stewart responded that it would be helpful to spell out what the document covers and what it doesn't. But, if staff are saying that it really wasn't as bad as it sounds, then why can't there also be an explanation in that Exhibit as to why the violation occurred.

Mr. Ream responded that he felt it could be fixed before it is spelled out.

Mr. Travous stated that he called Mr. Steve Owens, Director of ADEQ, last week and told him that he didn't like this document at all. Mr. Owens had heard about it. There are times when the Directors need to direct their staffs on how to smooth these types of things out. They have not done that yet. Mr. Owens has not returned his call yet. He added that he told Mr. Owens that he would be much more in tune in figuring out what needs to be done and putting it into a Memorandum of Understanding than in a Consent Order. He has not gotten back on that suggestion yet.

Mr. Travous stated that he believes two things need to be done. One is to work on a Preamble to this document that shows how ludicrous some of these things are. This is all from ADEQ's perspective. The public would never know by looking at this that some of these violations are because they didn't accept a form it was sent in on or that five samples were taken within a month but started on the 20<sup>th</sup> of the month so it wasn't completed within the "calendar" month. Another thing that is needed is at the tail end – a full knowledge of when the Consent Decree goes away and can be burned.

Ms. Stewart asked what happens to something they knew about that they didn't include.

Mr. Travous responded that by the time the document gets hammered out the agency can be close to being in compliance.

Mr. Porter stated that, bottom line, he would like the Director to pursue that. If when all is said and done they still want a Consent Decree or they will go to court, by all means the Board wants to take a final look at whatever the ultimate absolute final decree form is that they will go with. The Board can make the decision as to whether they enter into that document or not. That is the point in time when the Executive Director will have to be prepared to tell the Board that even though there may be things

in the document that the Board does not like, that if the Board enters into that decree rather than force them to go to court the agency can comply. That is the bottom line for him. He cannot vote to support something the agency cannot comply with.

Ms. Stewart stated that she did not believe that the Board could proceed with the intention to string this out. It needs to be resolved quickly.

Mr. Travous responded that he is not talking about stringing it out. They do not want to sue another agency underneath the Governor. If they are going to pull a Consent Order, they need to be more deliberate in how they are doing it on the front end rather than trying to do something behind closed doors. Those are the discussions he needs to have with Mr. Owens.

Chairman Hays suggested that staff need to work on this as quickly as possible.

Mr. Porter added that if an immediate answer is needed then a special Board meeting can be called.

Ms. Hernbrode added that every time they have brought this document forward they have said that this is absolutely all they are going to do; sign it or they will make the agency look really bad in front of the Governor. That has been their tactic throughout the process. It has been very difficult for staff to know when that line has actually been reached. They have essentially been telling staff that from the first document.

Ms. Boland stated that the discussions she has had with them indicate that they may put the lack of funding in the agreement. That is why she urges the Director to meet with their Director on this. It really has to be at that level now because the ADEQ staff is not budging.

Ms. Emery stated that ADEQ is a regulatory agency. They have extensive regulations. There is not a component in the regulation that says, "Let's examine the intentions of the party here; did they mean well?" It says that you will submit in the month the sample upon the required ADEQ form. If you don't do that, whether or not you meant well or the bottle broke in transit, whether you took it at the end of the month and you didn't have time to do the new sample and repeat the four samples, the regulation has been violated. It's that simple. This is the way they do it for everyone. If one mistake is made, i.e., the bottle breaks on the way and they took it on the 30<sup>th</sup> and didn't find out until Monday, that one mistake triggers several other actions. Those actions mean that the public needs to be notified, four samples need to be taken, and five samples must be taken the next month. This is where the mushrooming effect occurs. Those situations did occur. She believes that where staff were going to in the procedural component is that sometimes with turnover in staff and staff moving from park to park, it takes a while to relay the training and operational procedures to have people in place to do those things. There were gaps. There were times when things were a mess. In talking with all of the staff, the operators, managers, and regional managers at all of the parks there is no one who treats this laizze faire. No one said, "Oh well, it's just a drinking water sample." However, things happened. The regulations are extremely detailed and extremely complex. When staff began meeting with ADEQ she had a lot of questions. Their response was to read the regulations. It is our responsibility to know the regulations. Staff need to make sure that the appropriate employees know the

regulations, the procedures, implementing and improving the procedures and training, the standard operating procedures, and ensuring that everyone is up to speed on it. In terms of the discussion here, staff discussed putting in all of those individual violations. ADEQ felt that they were doing us a favor by generalizing the violations rather than itemizing on 45 pages each individual violation. As she said, one small violation generates four additional violations. The resulting document would be huge. Is it better to say generally the agency failed to take samples or here are the 55 times in the past. That is the choice; that is the decision the Board has to make.

Ms. Stewart responded that she is hearing from staff that ADEQ can prove those things. She wasn't getting that sense before.

Mr. Porter stated that he did get that sense. He stated that he is not horribly concerned about that part of it. He agrees that it would be nice, but if push comes to shove he has no heartburn whatsoever about what the Board is particularly admitting to and agreeing not to do or to do as long as it can be done. He has had so much experience with dealing with these things in the criminal arena or in consent issues where there have been administrative violations. He knows that it is deadly dangerous to enter into these agreements unless one knows he can comply. The Board is digging a hole for itself that will just blow up in their faces if staff cannot comply. On the other hand, one can admit all sorts of things and ultimately it doesn't hurt one little bit so long as the bottom line is that it goes away if you do the things you say you will do. You had better be able to do those things you say you will do.

Ms. Stewart noted that from what staff is saying it will take a while to get those things into place to where the Board will be able to do all of it.

Ms. Emery responded that a great deal of the information, especially in the drinking water, has been put together in the form of a data base, which they are asking for. There are a few gaps that remain to be done. The framework for the standard operating procedure is in place; staff need to update it and approve it and make it more accessible. There is something there to start with.

Ms. Stewart asked if staff have been hired and trained.

Ms. Emery responded that staff talked with a person last week who is retired from ADEQ who could be perfect. There are a couple of other pieces that are survey materials that can be done. There are frameworks in place. Certification and training for operators remains to be done. The regional managers involved have already begun identifying who is available within their regions and parks and getting appropriate staff in the pipeline for training. Staff need to ensure that the deadlines are met and that people know what needs to be done.

Chairman Hays asked if any action is necessary today.

Mr. Ream responded that he is about two to three weeks of being very confident one way or the other on this Consent Order.

Ms. Hernbrode stated that from her perspective with the fiscal funding out language, one of the things ADEQ has been very insistent on is that they want this document signed now. She suggested that the Board may want to entertain a motion to approve

staff signing this agreement contingent upon getting the following changes added. She understands that the Board would want an end time for the agreement, adding the master list as an Exhibit, changing the timeline for compliance, and the fiscal funding out language that has been proposed.

Mr. Travous responded that he is not going anywhere near a Consent Order that the Board will not be comfortable with and that he has not had the time to really absorb. He has not received a copy of the Consent Order yet. The Board used the phrase, "he will be looking for another job." He is not willing to sign anything until he is real comfortable. He cannot in good faith sign a Consent Order.

Ms. Stewart noted that along those same lines, on page 2 under Findings, it says that the ASPB, which consists of seven members appointed by governors responsible for managing the State of Arizona park system which consists of . . . and the primary functions include . . ." The Board is responsible.

Mr. Travous added that it says the signing of the Consent Order is voluntary. This does not feel voluntary to him.

Ms. Stewart noted that the Board will have to move quickly and not stall. She is not sure that the Board necessarily wants the list added. Earlier she thought she was hearing something different from staff. Based on staff's comments that these violations did occur, she feels differently now. She does feel that there needs to be something included regarding things that ADEQ know about now that the agency already did that are not included. It needs to be stated that they have included everything. She does not want to sign something like this and a month later have something come up that occurred before the document was signed that they knew about and for some reason did not include.

Chairman Hays noted that there may be a need for an emergency Board meeting by telephone.

Mr. Travous stated that he believed it could wait until July.

Mr. Porter noted that the Board does not want them to proceed to a lawsuit because the Board didn't meet in time to sign a document. If an emergency Board meeting is necessary, so be it.

Ms. Stewart added that she would want a better idea whether or not the agency could comply and how soon, etc.

Chairman Hays stated that the Board will do nothing now. He called for a recess at 12:00 noon.

Chairman Hays reconvened the meeting at 12:12 p.m.

#### Proposed State Park Fees Revisions

Chairman Hays asked if the Board would like to make a motion on this Agenda Item.

#### Board Action

Mr. Porter: I move that the Arizona State Parks Board direct staff to amend its fee proposal to allow children 7-13 free admission who are accompanied by an adult, 18

years or older, with a paid admission other than group attendees at the following parks: Fort Verde, Jerome, McFarland, Tombstone, Tubac Presidio, Tonto Natural Bridge, Yuma Crossing, and Yuma Prison. I further move that it be amended to set the adult admission at Yuma Crossing at \$3.00.

Mr. Siegwarth suggested adding conforming changes to the Annual Pass.

Mr. Ream responded that the Annual Pass is done. This Board changed it earlier today.

Ms. Stewart added that the Annual Pass does not speak about children.

Mr. Ream noted that Mr. Siegwarth is saying that changes were made to the Annual Pass this morning prior to this and is suggesting that those changes be included in the proposed schedule as well just so when it goes to public comment they know what changes were made. This is a proposed schedule before the Board. It still says "Deluxe". Staff would like to make the changes that the Board made this morning to this proposed schedule.

Ms. Stewart noted that she brought up a concern at the last Board meeting that she doesn't see on this proposed schedule. It doesn't say how much it costs for a cabin versus how much it costs for a yurt. She understands that the lowest fee for a cabin is different from the lowest fee for a yurt and the highest fee for a cabin is different from the highest fee for a yurt. By lumping them together, there is a range of \$35, which can make a big difference to people. One reason behind the fee is so people can look on the Internet and not have to call the park. Quite frankly, a lot of the parks have recordings that don't provide that information.

Mr. Ream responded that he believes the reason the rentals are listed that way is because the cabin on the lake at Lyman is more valuable than the cabin on the lake at another place. There is also the on-season/off season rental fees.

Ms. Stewart stated that her point is how much is it for a cabin and how much is it for a yurt. She understands that the fees are not the same. There is a different starting fee. She is not asking staff to change the fees; she is asking staff to be more clear to the public what they are. It tells people something when there is less spread in the range.

Mr. Porter noted that would be an administrative change and is not needed in the motion. He asked staff what conforming language might be needed to satisfy their request.

Mr. Ream suggested adding amending language to include changes to the Annual Pass as approved by the Board.

Mr. Porter asked if it is really necessary to do that.

Ms. Stewart stated that that Board has already authorized staff to do that because the Board set the Annual Pass and it's not a proposal any longer.

Mr. Porter stated that his motion stands as he stated it.

Mr. Cordasco seconded the motion. The motion carried unanimously.

### Special Events

Mr. Ream reported that the list of Special Events was included in the Board packet.

Ms. Stewart noted that it is particularly helpful to have it in writing. It's easier to pass the information on.

## **G. ADMINISTRATION**

### **1. Section Report**

Mr. Siegwarth reported that normally the Board has a two-day meeting to review the proposed Budget and Strategic Plan where staff provides the Board with a bound book. He provided an unbound draft with the Board packet. There was an issue that it is a lot of information to present to the Board at one meeting. There are some deadlines associated with the July meeting because staff need an approved budget and an approved Strategic Plan to submit to the Governor by September 1. July is really staff's last effort to get it right. He believes that there has been the feeling that once it's been bound and given to the Board staff are reticent to make any changes to the budget or strategic plan or anything else in it. He had hoped to get it to the Board even a week earlier than they got it. Because there are so many changes staff wanted to run it by the Board at this meeting and have some discussion to ensure staff are on the right track. This is clearly a draft.

Mr. Siegwarth added that during the last four years he has been involved in this process, there has always been a letter from him, then the budget, and the Strategic Plan has always been in the back. It includes the Capital Plan, the SHPO Work Plan, and the Marketing Plan. They were all placed before the Strategic Plan. This year, the big change is that the Strategic Plan has been moved to the front in order for it flow into the budget and then into all of the other plans. This year the Board has had quite a few discussions in planning sessions about the Vision, direction, and strategies.

Mr. Siegwarth reported that staff took the Board's work products from their planning sessions and gave them to a group the Executive Director formed (Chapter 7) comprised of staff below the Executive Staff level. The Chapter 7 group reviewed that information and came together with a Strategic Plan. Chapter 7 wanted to present this information to the Board today to ensure that they are on track and on target. This is a fairly large change in direction for the agency. After that discussion, he can talk about the budget, which is fairly dry and only has three or four issues. The only real increases in the budget relate to Marketing. The Marketing Plan is in the Appendix. Staff is available to discuss where that money would go specifically. There is information on Information Technology (IT) and Computer Support with a timeline in the Appendix relating back to the specifics. There is also a proposal by Ms. Emery. IT will deal a lot with PAMS and the other things the Board has discussed. He believes that the book flows from the big down to the small.

### Review Proposed Strategic Plan

Mr. Travous added that strategic planning and budgeting are going on all the time. They are tweaked every year and the agency rolls along. Over the past year the Board and Executive Staff engaged in a visioning exercise with Mr. Frost. After the final planning session he took a group of people in the agency who had not been part of the Board's discussions but are often the "rubber meets the road" staff and shared with

them what the Board and staff were saying. He gave them no further direction than that. He asked them to look at the information and report back what they believed it said to them, asked where they would put more “meat on the bones”, and things of that nature. They have been meeting without any Executive Staff present. They called themselves Chapter 7 because the recent book on ASP had six chapters. They believe this is the next chapter of our history. The group consists of 12 people who are a cross-section of the organization, primarily at middle management. The only Executive Staff member in the group is Ms. Statler, but she was so new that he didn’t think they would hold that against her. He asked them to brainstorm and ferret out from their perspective the things the Board and staff discussed. They did incorporate some things just within the past couple of weeks into the Strategic Plan that will be discussed in July. He asked Ms. Hilderbrand to explain the process to the Board.

Ms. Hilderbrand reported because the Board received a copy of the draft Strategic Plan she did not plan to go through it page-by-page. She planned to give the Board a general introduction of what this group has been working on. If the Board wishes to go through the plan they certainly can do so.

Ms. Stewart noted that one of the reasons it is on the Agenda today is because some of the Board, especially her, thought in the past that by the time it reached the Board in July it was a done deal. This is an opportunity for the Board to make comments.

Mr. Porter noted that he has read it. He asked if the Board would not, at this point, be able to address questions.

Ms. Hilderbrand suggested that she would hit the highlights and then go into more detail if the Board wishes.

Ms. Hilderbrand reported that the Office of Strategic Planning and Budgeting (OSPB) and the Joint Legislative Budgeting Committee (JLBC) require that the agency do this every year. Generally, the document is simply updated and tweaked yearly. The Executive Director explained to them that the Parks Board has decided that they want a new Vision – to be nationally recognized as the best resource agency. Chapter 7 really worked with that idea – what does it mean; what do we do with it; how does it manifest. They struggled for a while with what “resource” means. They struggled with how “protection” and “recreation” work together – is it possible to have one without the other; can we have both; where is the balance. They talked about preservation versus conservation. They looked at this from every angle.

Ms. Hilderbrand reported that staff imagine the Board all want real, concrete goals that support their new Vision. The problem that they have is that the timing is bad; and timing is everything. The Board asked staff to really come up with a new Vision, and that takes a lot of time and energy. They have been working a lot and really thinking about it. However, the deadline for the Strategic Plan is coming up faster than they really feel comfortable with saying just what will be accomplished and how it will be accomplished.

Ms. Hilderbrand reported that the major change in the Strategic Plan is a section entitled, Re-examining Agency Focus. It puts a mark in the Strategic Plan and really shows that we are taking every effort to manifest the Vision that the Board has put



forward. Specifically, on page A-6 there is a list of things that they believe will happen. They expect that the current effectiveness of the resource protection will be evaluated. They expect to expand the agency's centralized knowledge base. That comes with the GIS technology and putting more money into Information Technology (IT). They expect to collaborate with the federal and state agencies and the universities and scientific community and other partners. There are a lot of reasons for doing that. They have the science base; they have the science knowledge that the agency can use. If done in partnership then the agency does not have to spend all the money on it. They expect to explore new roles and opportunities for the agency. That could mean 100 different things, but coming from the Grant Section, it could mean refocusing the grants in a way that not only does what is required but also furthers the Vision and the Mission. They want to ensure a high-quality customer experience. The group discussed expanding the resource protection role statewide and not necessarily solely within our parks. Ensuring high-quality customer experiences could really be throughout Arizona and not necessarily within our parks.

Ms. Hilderbrand stated that Chapter 7 is really trying to walk a fine line between really taking the Board's Vision and internalizing it and figuring out how to manifest that Vision while trying to meet this deadline. It might not be written as eloquently and colorfully or concretely as everyone would like it to be, but there are deadlines. Chapter 7 is really working on this Strategic Plan. They all envision that next year's Strategic Plan will be vastly different.

Ms. Hilderbrand pointed out that there are Objectives in the Strategic Plan that are similar to last year's. Chapter 7 tweaked them to better focus them on where we want to go anyway. Next year they believe that a lot of them will be very different. There are short-term actions on page A-12. Those are things such as creating a definition for open space and managing open space and requiring open space. The reason that is a short-term action item is because a definition wouldn't be developed every year. It will be done once. It fits in very well with where the new Vision is going anyway because those are the things that staff really are going to do with or without a new Vision.

Mr. Porter noted that there was a reference to an "F" section. He did not have that section.

Ms. Hilderbrand responded that that is a "typo". It should A-12 and A-13. Normally the Strategic Plan is in the back in Appendix F; it is now in A.

Ms. Hilderbrand noted that some of the Chapter 7 members are present and introduced them to the Board: Jeanette Hall (Human Resources), Janet Hawks (Operations), Liz Krug (Research and Marketing), Jean Emery (Resources Management), Annie McVay (Trails-Resources Management), Ellen Billbrey (PIO), Sue Hilderbrand (Grants Section), Susan Bayer (Contracts), Brad McNeil (Computer Support), Rick Knotts (Regional Parks Manager), Jim Garrison (SHPO), Tanna Thornberg (Planning), and Pat Dutrack (Grants), who is the agency's "guru" on Land and Water Conservation Fund (LWCF). There is a lot of money there that fits very well into the new Vision. It is a matter of tweaking it and refocusing. Ms. Hilderbrand noted that she does a lot of strategic planning. An analogy of why one does strategic planning is that if one wants to clean up one's backyard, one can pick up one leaf at a time. But if one is strategic about it,

one could use a leaf blower. Over the next year Chapter 7 will figure out how to get everyone focused in the same direction and sweep through the agency to ensure that everyone is facing the same direction to achieve that Vision.

Mr. Porter noted that the first year he ran across this process the Board received a beautiful booklet. He looked at it and felt that it was a done deal. It had that overtone. However, he was very comfortable with it as well as overwhelmed. This is a little overwhelming, but it also does reflect an absolutely monumental amount of time and effort that has gone into it. In comparing this document with the last couple of years' documents, in the relatively brief time he has had it, he is impressed by the way that it is beginning to gel. He does not believe that staff could take all of the new directions that the Board came up with during the planning sessions and immediately tweak this document to match that. He believes that this is a good start. It reflects a philosophical change. That is to be highly commended. He is really impressed by what he has seen in scanning this document.

Ms. Stewart stated that she, too, was pleased. She is pleased that the Executive Director has taken some of the discussions that the Board had during the planning session to heart. When these types of sessions take place, she sometimes wonders if anything is really going to happen or if it will be business as usual. That happens in a lot of organizations. It was refreshing to her in going through this document to discover that a lot more of it seems to have to do with things that the Board ought to be doing. This is really what the mission is. This is a natural resources agency and should be focusing on management of the resources. There are a lot of other little things that are related to it. This document points the focus in that direction and in how the agency will become regarded as the best resource agency. She noted that one of the things that came out of the planning sessions was having science-based evaluation and decision-making. She is particularly impressed by the fact that the Executive Director appointed people at the Chief and Regional level because they are the people who have that knowledge. There has been a communication issue within the agency and this appears to accomplish two things at once: it is not only going to put the agency in a better position to start making decisions based on sound scientific analyses and evidence to head toward the Vision and constantly look at the data and how it fits in with the Vision, but it will also improve the communication within the agency because it's not just all coming down from the top. The people who actually work daily with that data now have the opportunity to give input to the direction of the agency. That seems, to her, to be powerful. It appears that it all ties in with the Board's need to make decisions in managing the natural resources based on solid scientific evidence. It's essential to have credibility. Credibility is necessary in order to become respected as the best resource management agency. There also needs to be communication of the science-based evaluation both within the agency and externally in order to get that respect and confidence in the agency. She is excited about that.

Ms. Stewart noted that there are a few points she would like to throw out in terms of things to think about. She noticed that the document talks about the Vision being "one of the best" natural resource agencies. One of the things that the Board discussed and reached consensus on during the planning sessions was that the Board wanted to be recognized as "the best". It was pointed out at those sessions that one does not want to

have a goal of being second or third. Even though the goal may be difficult to reach, the goal is to be the best.

Ms. Stewart added that another area that the Board seemed to feel strongly about was the urgency in implementing the PAMS. She would like to see something more specific in the Goals and Objectives. She believes that the Board knows today that they want to do that. All of the details about how it will be done may not be known at this time. However, it appeared that staff had already thought that out pretty well. It is really the key to any of this being successful and it is important that it be in the book. She had not realized that this document also goes to the legislature and the Governor. She believes that having some meat in there about what the Board will do is helpful. The Board can point to it as justification for not taking money from the agency because this absolutely needs to be done in order to be more efficient in its operation. She is confident that staff have something that can be plugged in regarding when all those things will happen.

Mr. Porter agreed that PAMS should be included in the Strategic Plan. He had also noted that omission. He does not believe he has ever seen this Board, during his term, get quite as excited about something as it did about PAMS. He believes that really says something about where the Board wants to be.

Ms. Stewart added that she believed the Board settled on the fact that PAMS is absolutely needed in order to accomplish any of the rest.

Ms. Stewart noted that the document talked about re-evaluating the criteria of one grant program every year one. One of the other things the Board talked about was how to change focus and be involved in managing some of the State Trust lands. The question was raised as to whether there was any money. There were discussions on the fact that there is a lot more money and a lot more ability to influence the future direction of the entire state. One way to do that is through the grants. There is a fair amount of leeway in the grant criteria. It is important to re-evaluate the grant criteria fairly early on and not wait on one area per year. Staff need to look at whether the grants will get the agency headed in the direction of the Vision. There are a lot of things in the Vision about managing the natural resources not only that the agency owns but statewide, preservation, the open spaces, etc. It would be helpful to at least look at whether some of the criteria can be changed fairly quickly in order to use them as a tool to do outside of the agency the same things we want to do internally. There is a lot of leeway statutorily and with the federal regulations. There could be some small tweaking that could really change how this state looks in 10 or 15 years if the agency were to start doing it right a way.

Ms. Stewart noted that the changing demographics in the state were discussed last year and what the agency is doing to be more accessible to the Hispanic population. The Board has been viewed in the past as "bait" for economic development. She believes that as part of this new Vision the Board really needs to change the mindset of what the agency is here for. The agency is here for the residents of the State of Arizona to make sure that this state is what we want it to be in terms of managing the natural resources. That doesn't mean that out-of-state visitors are not welcomed to come and enjoy our facilities. The primary focus should not be on attracting snow birds and people from out-of-state. Rather, it should be looking at what the people in the state want. In the

SCORP they talked about wanting more open space and trail systems around the state and less developed areas. The earlier presentation on the Sonoita Creek area is exactly that sort of thing. The future development of our parks and grants really ought to take into consideration what people tell us they want – what the residents of the state want. The Board is certainly willing for people outside the state to visit the parks. She believes that outside of the state visitors would enjoy the same things the people here want. But she believes the Board should be talk to and focus on the residents of the state.

Ms. Stewart noted that she does not expect a response to her comments at this time. She is relaying issues for the group to consider.

Mr. Travous responded that he believes the comments regarding being bait for economic development is the very thing the group is discussing as to whether we are a recreation agency or the other. A lot of these things have probably come up in their discussions. He asked that Chapter 7 respond to those comments. He believes that the Board will see their ideas start to trickle into the agency. If he were to describe the tenor, it's excited. For so long, despite the problems with ADEQ, staff have been focusing on doing things right. Now the agency is asking itself if it is doing the right things. That is the difference.

Mr. Porter noted that the Board saw that today. He understands this is painful. Everyone was probably tired of talking about children coming in free to the historic parks. Philosophically, however, it is probably consistent in the sense that the decision that was made, which he was pleased to see, was made not so much on the bottom line of generating an additional \$20,000-\$30,000 in an agency where that much money is meaningful right now, but on the bottom line of best accomplishing the mission as it relates to children and encouraging them to come into our educational park facilities. He was very pleased with the way that discussion was channeled. He believes it was philosophically in tune with what the Executive Director is saying.

Ms. Stewart noted that there is a goal on providing a safe, accessible, enjoyable system. There is no real discussion in the Objective relating to accessible parks. It would seem that with the changing demographics and obesity and people getting older that it will become a bigger issue. She does not know if we are in a position to anything more specific in terms of objectives now, but it is something for the group to discuss.

Ms. Hilderbrand responded that one issue that has been discussed is accessibility in terms of ADA accessibility, price accessibility, and location. The location discussion dealt with a certain number of drive hours. They talked about distance to a park area, whether it be a state park or other park area. She noted that this feedback is useful because this is a draft document. The group will take the next two months to work the Board's ideas into it and tweak it the way the Board would like to see it. Finally, as the Executive Director mentioned, Chapter 7 did not attend any of the planning sessions and really don't know the passion behind the very boring notes they saw. They need to know if they are on the right path here and should they keep plowing forward or start over. They are all wondering if they are doing the right thing. They want to be sure they are going down the path the Board wants.

Chairman Hays responded that he feels this is a very good document. He asked if the staff feel reassured or if there are questions for the Board.

Ms. Hilderbrand responded that she did not have any questions of the Board.

Chairman Hays thanked the group for the work they put into this document.

#### Review Proposed Budget

Mr. Siegwarth referred the Board to B-20 of the document. He stated that one of the reasons he did not get it out to the Board a week earlier is that the budget situation in the legislature is constantly changing. There is one item that is fairly controversial that he wants to discuss with the Board at this time and get feedback.

Mr. Siegwarth noted that there is a typo on B-20. Instead of 8 FTEs it should read a net 10 FTEs.

Mr. Siegwarth reported that the agency used to make \$1.8 million a year on Heritage Fund Interest with a budget of about \$1.7 million. He is looking at making maybe \$525,000 this year. The agency cannot sustain that structural deficit. Last July staff discussed three structural deficits. This is the first one that came to the point where something must be done. Because the Heritage Fund Interest is reduced by 14 FTEs and almost \$1 million, he moved them down to the bottom of the page and put them in SLIF. There is now a huge structural deficit problem in SLIF. There was a problem there before; now it's even bigger. He believes this is fairly controversial for a couple of reasons. One is that it does not appear that SLIF or OHV will be swept this year. The money would be there, but there is pressure on Capital and to get the grant programs moving again. If the \$1.9 million is added to the SLIF budget, it takes it up to \$4 million. Staff can do that in 2005. But he doesn't believe staff can recommend that in 2006 because it would pretty much decimate the capital SLIF program, the grant program, and it is not the agreement with AORCC to keep administration to 11.8%. The percentage would be closer to 50%. This is an issue.

Ms. Stewart noted that the Board has been directed by the legislature to some extent to use the available money for operating.

Mr. Siegwarth responded that staff do not have a problem with that, but he does not believe it can be sustained beyond 2005.

Ms. Stewart noted that it would change the nature of the agency at some point. Money from one program would be used to pay for another program.

Mr. Siegwarth responded that these 14 people include accounting, resource management, and development. These 14 people are not going from one program to another. They are "us". He believes that this is an issue the agency will have to come to grips with. He does not believe that he has heard any complaints. However, there is a footnote in SB 1411 that he understands was also passed by the House. They want to cap the agency at \$1.7 million. They want to replace some of the SLIF with Land Conservation interest and they want to make sure that if the Governor vetoes it then the agency will be hurt. He believes that as far as legislation is concerned, the agency is dealing with two issues. Staff don't want the SLIF capped and staff don't want to be forced to use Land Conservation interest.

Ms. Stewart asked if the agency can legally use Land Conservation interest.

Mr. Siegwarth responded that the legislature feels strongly that the agency can use the interest but cannot touch the \$20 million.

Mr. Travous noted that the Governor has taken the opposite position.

Mr. Siegwarth noted that the agency is between a rock and a hard place. The agency might have to eat between \$1.7 million and \$2.3 million. Staff are diligently working on it. This is a fairly big move to SLIF. He wanted the Board to be aware. If the Board members have questions, they should feel free to call staff. Right now that is the only thing staff can think of doing.

Mr. Porter asked if that move puts the Board at any kind of risk should the legislature get into a financial crisis where they suddenly decide to start "chopping" down the road. He asked if it opens the Board to any danger. They seem to really like to go after SLIF money. By putting all that money in SLIF will it in any way encourage them to chop it?

Ms. Stewart noted that no money is being put in SLIF; rather, the Board is depending on the SLIF money to keep things afloat.

Mr. Porter noted that it calls their attention to it. He is concerned about that.

Mr. Siegwarth noted that the legislature is between a rock and a hard place here. They only did this to ensure that if the Governor vetoed the \$700,000 being proposed for the Land Conservation Fund interest it would hurt the agency. However, he believes that they both believe that the agency could absorb a \$350,000 cut. They do not understand the agency's entire business plan. They do not understand that there is a Heritage Fund Interest problem as well as other problems. They are not real happy with it. When all is said and done, they want to keep all of the parks open and operating. This was a wrinkle that they were not anticipating. They are not happy with the situation, either. It is a structural deficit; it is a long-term issue.

Mr. Siegwarth noted that \$900,000 was taken from Heritage Fund Interest and moved to SLIF, which is really \$1.9 million. The first question is how \$900,000 becomes \$1.9 million. Flowing from the Strategic Plan and the strategic issues into the budget, there are increases in Marketing (one of the strategic issues is to increase the marketing effort which reinforces the agency to help make Enhancement Fund goals) and \$150,000 in equipment and an additional FTE to help start the PAMS and GIS processes. There is more information on those two issues included in the Appendix. There are very nice write-ups and a timeline. The rest of that increase is really ERE; fairly minor things.

Mr. Siegwarth reported that staff are trying to expand in the direction of the Board's strategic issues. Once again, SLIF is the only place to go. The General Fund is capped; the Reservation Surcharge is essentially capped; the Enhancement Fund is flat; Heritage Fund Interest is gone; and the other funding sources available are very specific.

Mr. Siegwarth reported that it does not appear that the legislature will sweep OHV. The budget provides for the re-launching of that program and hiring two FTEs and possibly have contracts with Game and Fish and the Land Department to get it going again in addition to honoring the \$1 million in suspended grants.

Mr. Siegwarth reported that all the other changes to the budget are minor: realigning of revenues to ensure expenditures do not exceed revenues while spending enough to not accumulate any balances.

Mr. Siegwarth stated that he does not expect the budget to change much. If the cap remains in place the Board will probably see a very different version of the book.

#### Concession Update

Mr. Siegwarth reported that staff went out to bid for Alamo and Lake Havasu, with no responses. Staff then went out for Lyman Lake, and received no responses there, either. Regarding the Alamo Lake/Lake Havasu concession, the feedback was that people were interested in either Alamo or Lake Havasu. Both Alamo and Lake Havasu have been re-bid. Those proposals are due back June 3. Staff don't know if any will come in or not. Regarding the Lyman Lake bid, no one who was interested have returned staff's calls yet. Essentially, the past concessionaire had such dismal revenues that no one seems to want to jump into that business. There is a new concessionaire at Patagonia Lake, and the concessionaire is continuing at Slide Rock under new management. Their concession revenues are up 40% and 65%, respectively. He believes that there is hope for Lyman, but staff may have to do something to make it look good there is any interest.

Ms. Stewart asked what the concession at Lyman Lake is for.

Mr. Siegwarth responded that it is a gas station and store that sells ice cream, bait, firewood, ice, etc.

Chairman Hays asked how the water table is at Lyman and Alamo.

Mr. Ream responded that he visited Lyman Lake last month and was very impressed with it even though the water was low. There was some access to it.

Mr. Ayotte added that the water is up 8'. There is a man-made lake further upstream where they are having trouble with their earth dams. They drained their lake. It will take quite a few good snow seasons to bring things back to normal.

Mr. Siegwarth reported that the last concession is at KCSP. Proposals are due June 10. Aramark will be there for sure through November.

Ms. Stewart asked if the agency would want to take over that concession.

Mr. Ream responded negatively. It works the way it is.

## **H. DIRECTOR'S REPORT**

### **1. Activities Since March 18, 2004**

Mr. Travous reported that he included a list of what he's been doing since the last Board meeting in the Board packet. He noted that he is on the UA School of Natural Resources Advisory Board. They met with President Likens and Dean Sanders and others at the UA to discuss the future of the school there. There are some interesting connections with what the agency is doing internally with the new Vision that might be possible to tap into the School of Natural Resources at the UA and begin some partnerships there.

Ms. Stewart noted that there was mention made of getting the road rerouted around Ft. Verde. She asked whether that will happen.

Ms. Hernbrode noted that this Agenda Item is listed as "Activities Since March 18" and cautioned the Board to not go too deep on this discussion.

Ms. Stewart responded that she is asking the Executive Director to elaborate on the comments in his report.

Ms. Hernbrode responded that she understands, but is cautioning the Board to not go too deep on this discussion.

Mr. Travous responded that there was a meeting with ADOT and there are some options to be explored with both ADOT and the city.

Ms. Stewart noted that there is the issue of the Board policies. She asked whether the Board now have a copy of all of the policies.

Mr. Travous responded that the Board has a copy of all the policies that staff can find. Staff have not been able to find the policy on the 7% issue.

Ms. Stewart responded that it is disturbing to be in the middle of a discussion on some issue and then find that the Board either can or can't take action because of some policy that they have never seen. She asked for a copy of the policies in order to avoid that situation. She requested assurance that there aren't any other policies out there or that there won't be any future representations that there is a policy the Board does not have a copy of.

Mr. Travous responded that the only assurance he can give Ms. Stewart is that staff have look as hard as they can and cannot find any more policies.

Ms. Stewart requested a copy of the 6/2000 Plan approved by the Board in 1990. The information that was recently mailed said they were summaries rather than the actual policies.

Mr. Travous responded that they were the actual policies taken out of the previous section. He will provide a copy of the entire plan.

Mr. Porter asked if, since March 18, there has been any discussion of the utilization of past Board members on the ASP Foundation.

Mr. Travous responded that the Foundation has not had an organizational board meeting yet. He believes that will happen in the next couple of months. That suggestion will be brought before them at that time.

Mr. Porter noted that he has had some discussions with staff regarding what may have been happening since March with the Sedona Fire Station. He requested an update at the next Board meeting. He will not ask for comment at this point, but he would like to know by the next Board meeting what is happening on the SLIF special grant cycle.

## **L. FRIENDS RAISING/FUNDRAISING**

### **1. Section Report**

#### **Report on Activities of Executive Consultant**



Ms. Statler reported the ASP Foundation has filed incorporation papers. By-laws have been drafted and are under consideration by their board. Their full board will have their first meeting on June 9. Mr. Sims sits on that board. Other confirmations have been received by Karan English and Betsy Bolding (Tucson Electric Power Co.). The foundation has a good geographic representation. They are progressing with the structure of the organization and what the next steps will be. On June 9 they will discuss developing a strategic plan and identification of goals and how it will relate to ASP.

Ms. Statler stated that part of the development of the foundation will also be creating good links to remote Friends groups. They are incorporating a liaison committee so that representatives from existing friends groups will be tied in with this foundation, provide for good cross communication, and ensure that they have a stake in it as well. Those existing friends groups include: Boyce Thompson Arboretum, Oracle Friends, McFarland Advisory Committee Group, Friends of KCSP, and now the Benefactors of Red Rock have clearly established themselves and have created a membership organization. Four of their members have come in at their highest level of membership possible (\$1,000). They have funds and have introduced the concept of their friends group to their working volunteers. It has been accepted with a little unease. She believes they will understand the mission of the Red Rock group once they see some real investment taking place in the park.

Ms. Statler reported that the interest of friends development in the Sonoita Creek area is also encouraging. Meetings have been held with a number of representatives and volunteers, as well as community participants. Rio Rico is at the table, as well as a number of residents from that area. There is representation from a good cross-section of people expressing their keen interest and they are exploring how they will structure themselves and the kinds of issues they will address as a group.

Ms. Statler reported that there is continued interest in friends groups in various areas. There is interest in a friends group for the Dead Horse Ranch/Verde River Greenway area and there is interest in Riordan as well. Until this foundation is well-established and until the time is right staff will not encourage future Friends development in these regions. There needs to be adequate support in the communities to really move forward. While there is interest, it is premature to move forward with those potential new groups at this time.

Ms. Stewart requested a copy of the Articles of Incorporation be E-mailed to the Board.

Ms. Statler responded that she anticipates that the By-Laws will be adopted at the June 9 meeting and will forward a copy when those By-Laws are adopted.

Ms. Stewart also requested an updated list of the members of the Foundation as it changes.

Ms. Statler noted that she provided the Board with a copy of the Case Statement that was developed. The purpose of this Foundation is common knowledge. Their board members are listed on the back of that statement. The list is current.

Ms. Stewart questioned Ms. Statler being listed as “staff” on the Case Statement. She asked if there is a legal problem with a state agency supplying staff for a private foundation.

Ms. Hernbrode responded that staff are exploring the relationship between ASP and the foundation.

Ms. Stewart noted that the Board does not want to be in a position where it is criticized for doing something with public funds that is inappropriate.

Mr. Travous responded that staff have guidelines from the Attorney General’s Office from when the Friends of KCSP was set up. Basically staff need to ensure that there is a wall between the foundation and the Parks Board. Ms. Statler has been assisting them in organizing their Board and ensuring that the wall is there. From that standpoint, she is not working for anything other than the process of having the two grow up to be separate entities.

Mr. Porter suggested that Ms. Stewart’s point is for the future as it develops. He doesn’t think there is heartburn with staff helping getting it organized to begin with. However, the real question is where does that end and the issue of public money being spent on a private foundation begins.

Ms. Hernbrode stated that she has seen no evidence that that line has been crossed. Many agencies refer to that staff position as the agency’s liaison.

Ms. Stewart stated that is why she was surprised to see it listed as staff as opposed to a liaison.

Ms. Statler responded that that was at the suggestion of Ms. Pfister, their chairman. That is an easy change to make; this document has not been widely published.

Ms. Stewart asked if they are assuming that staff will provide services to them.

Ms. Statler responded that at this point they probably are relying on her just for organizational support. It will be up to the Board to determine what her role will be.

## **I. PARTNERSHIPS AND EXTERNAL AFFAIRS**

### **1. Section Report**

#### Legislative Update

Mr. Ziemann reported things have not changed much from the handout he provided the Board. The Senate has confirmed Ms. Chilton to sit on the Parks Board. The legislature is finished with their normal business. The only thing they have left to do is to do a budget and deal with a few additional executive nominations. The House debated the budget yesterday, and today they were to vote it out and send it back to the Senate. The final form that they are voting on is unknown by staff. It will be very telling. If they are voting out the budget that passed in the House Appropriations Committee, it is absolutely a non-starter with the Senate. The Senate will never get 16 votes to support it because it contains no all-day kindergarten, severe cuts to DES, and those kinds of things. If that is what the House is voting on today, things are right back where they were three weeks ago with the two sides staring across the mall at each

other and it could be another month at least before we have a budget. If they modified that version to some degree, then there is at least a point where they can get a Conference Committee to come together and begin negotiating on it. In all likelihood a budget is still some weeks away. The Governor has not met with anyone in the legislature yet to begin negotiations. She is waiting for them to get something done. It will be a while yet.

#### Update on Patagonia Lake Use Survey

Mr. Ziemann reported that this issue was raised at the March Board meeting. Staff initially performed a first-pass at this and tried to assess safety and what is going on at Patagonia Lake. The veracity and accuracy of some of the data has been called into question. In order to formulate any management decisions based on data staff are not comfortable with, staff have contracted with ASU to help fill in some of the gaps to make the survey consistent so that staff are comfortable with the information they will use. There are questions and concerns about the data that was initially collected.

Ms. Stewart asked if management decisions will be based on what people want or on what is safe. The Board's original concern was after learning about the accident at Patagonia Lake and looking at the size of the lake. After seeing the remains of that accident, the Board felt they were on notice that there may be a serious safety issue by continuing to operate in the current manner and that there was an immediate need to assess whether it was safe to continue operating as we have been or whether restrictions on the various uses should be put in place to prevent any future such occurrences. She does not understand why a survey is being conducted.

Mr. Ream responded that one of the reasons he requested a survey was because there was some concern about not just horsepower and speed of the boats, but the noise the boats make. Another reason was to find out whether or not people feel safe on the lake. There are two sections on the lake: the high-speed section and the wakeless section. He asked RAM staff to also look at the citation record and the accident record at Patagonia Lake and compare them with lakes that are of a similar nature and similar horsepower.

Mr. Ream reported that staff discovered that there have only been four boating accidents at Patagonia Lake over the last 10 years. That is not a significant amount. There are that many boating accidents on Lake Havasu and Lake Pleasant per weekend. This is not a high accident lake. The number of near misses may be a much higher number at this lake than others. There are management practices in place. There is no skiing allowed on weekends, which eliminates having a person hanging out on a string and being a target. Jet skis are also eliminated on the weekends. While there are still some high-speed boating activities, the single individuals are no longer out there in the way of those boats.

Mr. Ream added that he was awaiting the data from the people who use the lake before compiling all of this information. There was this one accident, and it was a bad accident insofar as boating accidents go. Thankfully, no one died. But, was that enough to change the management practice there? Is there a perception that people are unsafe there? Perhaps staff read more into this than the Board was asking for. That is why the survey was initiated.

Ms. Stewart responded that she is not as concerned about whether people feel safe or not. Whether or not there is a situation of an accident waiting to happen is of more concern to her. When someone dies or is seriously injured, saying there haven't been that many accidents in the past isn't going to make any difference. She does not pretend to be an expert in the area, but she is not sure that public opinion has much to do with what we have and what we are allowing and whether it is a safe practice.

Mr. Ream responded that he could bring more to the table later. He equated this to that busy intersection that first gets a Yield sign, next gets a Stop sign, then a traffic light, and then protected left turns. At what point do those things happen? Sometimes it goes all the way to a traffic light if someone were killed there. He does not know if anything more dangerous is being allowed at Patagonia than is allowed at other lakes at this time. He does not have enough information to say that it is any more dangerous than being at Lake Pleasant on the same weekend.

Ms. Stewart stated that she looks at it differently.

Chairman Hays noted that he believed that the concern was that this is the only body of water in southern Arizona and there are so many competing interests for the use of it. The population is growing, and it will only get worse.

Mr. Porter stated that it leads to a larger question that is part of this equation. How do we, as an agency, approach a serious incident accident? The accident that precipitated this discussion occurred at Patagonia, and everyone would agree that it was a serious accident. Fortunately no one was killed. The Board happened to be down there and saw the boat in the tree.

Ms. Hernbrode noted that this item is agendaized as "Update on Patagonia Lake Use Survey".

Ms. Stewart noted that the reason for this survey was solely because of the accident.

Ms. Hernbrode responded that it sounds to her that the Board wants to get into a discussion of what they want to do. She is not comfortable about this discussion under that Agenda Item.

Mr. Porter noted that this has opened up a whole different chain of thought.

#### 2004 Grant Application Recap

Mr. Ziemann reported that this is simply an informational item and referred the Board to page 53 of their Board packet. These are the applications that are being evaluated and scored and will be brought to the Board in September after review by the advisory committees.

Ms. Stewart asked when the Special Cycle will come before the Board.

Mr. Ziemann responded that the SLIF Special Cycle will be presented in July.

#### **M. SUMMARY OF CURRENT EVENTS, REQUESTS, AND ITEMS FOR FUTURE AGENDAS**

Mr. Porter requested that the Agenda in July include a discussion of "serious incident review policies". The discussion should include how the agency reacts when a serious

incident occurs – how does staff follow up on it (i.e., study it, how do we learn from it, do we assess how it occurred, etc.). If there is a process in place, the Board would like to see it.

Mr. Ream asked for clarification as to whether the Board is asking for an injury/accident incident.

Mr. Porter responded that he is using the phrase “serious incident”.

Mr. Ream explained that there are three incidents that are considered serious: felony arrest; serious injury and/or accident; and natural disaster (forest fire, flooding).

Mr. Porter responded that he is interested in the second type.

Mr. Cordasco asked what the objective of the July meeting is.

Mr. Travous responded that the meeting generally starts at 1:00. The afternoon is spent discussing the Strategic Plan and the budget being proposed for the next year. The next morning, after the Board has had time to absorb the information they received the previous afternoon, the Board takes action on the Strategic Plan and Budget. The second day is a regular Board meeting except it includes action on the Strategic Plan and budget.

Mr. Cordasco asked what the 50 Year Anniversary is.

Mr. Travous responded that in 2007 the agency will celebrate 50 years as an agency. ASP was signed into law in 1957.

Mr. Cordasco requested a PAMS update at the July meeting.

Mr. Cordasco asked if there is anything else required from the planning sessions. He noted that some Board members felt more sessions were needed.

Mr. Porter responded that he did feel that way. However, he came away at the end of it pretty comfortable with what the staff planned to do – go back and implement. He thinks they have done a good job; he is very comfortable with what they did. He did not want the Board going out on a limb and making a grand, broad approval of something that hadn't been tweaked by staff and hadn't been digested. He thought staff would come back to the Board with its work in a format to consider adopting. That is what the Board will do in July if the Strategic Plan is adopted.

Ms. Stewart requested scheduling a block of time for the Board to actually discuss it and where the Board would like to go after that. A lot of ideas were thrown out at those meetings. This meeting did not allow for time to get into any real discussion.

Mr. Cordasco stated that what staff have done is extraordinary - putting the Strategic Plan in front of the Budget, the work that went into it. Staff made the comment that they didn't understand the Board's passion in coming up with it to begin with, and while he wishes they could have felt it he almost feels like they did from their presentation.

Ms. Stewart agreed that staff captured the essence of it.

Mr. Porter requested that staff add to the Agenda a discussion of ASP's involvement with the 2005 Arizona State History Convention that will be held in Flagstaff. He would like to walk staff through the planning on that and ensure that everyone is comfortable with what they are working on.

Ms. Stewart noted that it appears to her that because there is discussion of making a major shift in direction in the Strategic Plan, it is important to note that there is a \$141 million build-out plan that is a multi-year project. If the emphasis and direction of the agency really is being changed, between now and July there should be discussions on whether that plan is consistent with the new Vision. She has no idea exactly what the plan is. She believes that those two items need to be compared. There may be some shifting of priorities in the \$141 million build-out plan. As she understands it, a lot of those things in the plan have been planned for a number of years, even perhaps prior to the changed economic situation. The Vision is changing. There is money from prior years "squirreled away". There will not be that kind of money in the next few years to build. She believes the Board needs to take a careful look as to whether, in view of the economic situation and the change in Vision and direction of the agency, this is still appropriate to do. She would also like to know just what the build-out is.

Mr. Cordasco stated that, regarding the Mabery and ADEQ issues discussed today, these things are what they are. We just have to do the best we can and get after them. From that perspective, this is an extraordinary team of people going in there and doing it. He believes that staff really are 110% behind everything that needs to be done. Things will work out.

Ms. Stewart noted that there were some really great presentations from ASP staff at the History Convention. She sat in on one by Kathy Faretta on the Riordan Family. It was very impressive. The presentation by Art Austin on the Wham Robbery was very interesting and beneficial for those going on the tour the following day. There was a very nice display on the McFarland history prepared by Katie Montaño. There was a brochure on camping at Roper Lake. Not only were the cabins filled, but a lot of people asked if there were more available to rent. A number of people attending the convention stayed at the campground. She stayed in one of the cabins. She thought they were wonderful and that more are needed.

Mr. Porter noted that the McFarland Park Foundation surprised the History Convention by presenting them with a \$4,500 underwrite for the Flagstaff convention, which will enable them to do a lot of things that they probably would not have been able to do next year. They have hinted that it will probably become a long-range annual contribution.

#### **N. TIME AND PLACE OF NEXT MEETING**

Chairman Hays noted that the next Board meeting will be held on July 21-22, 2004 in Flagstaff, Arizona.

#### **O. ADJOURNMENT**

Mr. Porter made a motion to adjourn at 1:45 p.m. Mr. Cordasco seconded the motion and it carried unanimously.

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Arizona State Parks Board  
Minutes  
May 20, 2004

Pursuant to Title II of the Americans with Disabilities Act (ADA), Arizona State Parks does not discriminate on the basis of a disability regarding admission to public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the ADA Coordinator, Nicole Armstrong-Best, (602) 542-7152; or TTY (602) 542-4174. Requests should be made as early as possible to allow time to arrange the accommodation.

SUBMITTED BY:

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Kenneth E. Travous, Executive Director

APPROVED BY:

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John U. Hays, Chairman